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INTRODUCTION

1. The present report is submitted to the General Assembly in response to its resolution 47/65 of 11 December 1992, in which the Secretary-General was requested to report on developments pertaining to the United Nations Convention on the Law of the Sea and all related activities. Two other reports, which are also relevant to the subject, have been submitted to the Assembly at its current session: a report on "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas" (A/48/451), prepared in accordance with General Assembly decision 47/443 of 22 December 1992, and a report on the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, prepared pursuant to General Assembly resolution 47/192 of 22 December 1992 (A/48/479).

2. At the outset, attention should be drawn to the fact that the entry into force of the United Nations Convention on the Law of the Sea is imminent, as noted in part one, section I. This will have a significant impact, particularly upon the ongoing consultations of the Secretary-General to facilitate universal participation in the Convention, which are described in part one, section II.

3. The last 12 months following the endorsement by the General Assembly of Agenda 21 of the United Nations Conference on Environment and Development have witnessed a great number of accelerated activities throughout the world in various fields affecting the marine environment, including its living resources. Particularly remarkable are the surge of new developments in the fields of maritime safety, navigation, maritime transport and pollution emergency preparedness, as well as the disposal of wastes from ships and by dumping. A summary of such developments are given in part one, sections V and VI.

4. The world's marine fisheries are facing serious conservation and management problems as important fish stocks world-wide suffer from ever increasing pressure from growing fishing fleets. Serious efforts have started to tackle this situation on several fronts in the United Nations system, as well as at the regional levels, as described in part one, section IX.

5. Another important development is the establishment of a new inter-agency mechanism with the immediate task of preparing reports on the implementation of Chapter 17 of Agenda 21 for the Inter-Agency Commission on Sustainable Development. This appears in part one, section VII, followed by a summary of current actions being taken by United Nations organizations for follow-up to Agenda 21. To be noted among new activities are the initiatives in the field of capacity-building and training, including the proposed action plan being developed by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs and the United Nations Development Programme in the field of integrated coastal and ocean management, as described in part two, section III (D).

6. It appears that, generally, international law on marine environmental protection has now come to a turning-point: it is moving away from the initial stage of treaty-making to one of consolidating existing rules and strengthening their implementation. This trend is also apparent in the context of several regional seas, although some of them still lack framework agreements and

detailed rule-making. The Convention on the Law of the Sea has played an indispensable role in such treaty-making processes. Its value is also evident, particularly in competent international organizations, when dealing with problems involving the rights and obligations of coastal and flag States, as well as reconciling the obligations of environmental protection and navigational rights. It must be expected that the Convention will continue to provide the fundamental basis for further development of the law.

PART ONE

DEVELOPMENTS RELATING TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

I. STATUS OF THE CONVENTION

7. The United Nations Convention on the Law of the Sea 1/ received a total of 159 signatures before the period for signature closed on 9 December 1984. It will enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession. As of 15 October 1993, a total of 59 instruments of ratification or accession (two of which are of accession) have been deposited with the Secretary-General, as follows: Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Botswana, Brazil, Cameroon, Cape Verde, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Egypt, Fiji, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Honduras, Iceland, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Namibia, Nigeria, Oman, Paraguay, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Seychelles, Somalia, Sudan, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe. Among the States which have ratified or acceded to the Convention, the following 13 States have appended declarations: Brazil, Cape Verde, Cuba, Egypt, Guinea-Bissau, Iceland, Kuwait, Malta, Oman, Philippines, Tunisia, the United Republic of Tanzania and Yugoslavia.

II. THE QUESTION OF THE UNIVERSALITY OF THE CONVENTION ON THE LAW OF THE SEA

8. While the United Nations Convention on the Law of the Sea has been receiving ratifications and accessions since its adoption in 1982, it soon became clear that problems with certain aspects of the deep seabed mining provisions of the Convention inhibited in particular industrialized States from ratifying or acceding to it, or from even signing it. The need to produce a deep seabed mining regime which is generally acceptable and effective was being increasingly felt.

9. When it became clear that a solution to these problems could not be found in the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, the Secretary-General took the initiative of convening informal consultations beginning with some 30 States representing all regions and all interest groups in order to promote dialogue aimed at addressing the issues in question. The consultations began in July 1990.

10. In the course of those consultations, nine issues relating to the regime for deep seabed mining, as contained in the Convention, were identified as problem areas: costs to States Parties, the Enterprise, decision-making, the Review Conference, transfer of technology, production limitation, compensation fund, financial terms of contracts and environmental considerations. After identifying the problem areas, participants proceeded to examine all of them

based on Information Notes provided by the Secretariat, which contained background information, identified questions under each problem area that needed to be addressed, and suggested possible approaches for the resolution of the issues. The initial results of these consultations were summarized and circulated to all Member States in an informal Note by the Secretary-General of 31 January 1992.

11. Later in 1992, the Secretary-General, in order to give all States the opportunity to participate, made the informal consultations open-ended and, since then, approximately 80 to 90 delegations have participated. In 1992, it was also decided that environmental considerations were no longer considered a controversial item in the deep seabed mining context and as a consequence, this item was eliminated from the list of identified problem areas.

12. In early 1993, 56 instruments of ratifications and accessions having been deposited, the imminence of the entry into force of the Convention gave impetus and a sense of urgency to the efforts of the Secretary-General to achieve concrete results in the consultations. In January 1993, therefore, the Secretary-General was requested to make operational suggestions on the results reached so far in the consultations. The request for such suggestions touched upon two different sets of questions, namely, how these results could be used and how they were to be spelled out in drafting. In response to that request, the Secretary-General, in his Information Note of 8 April 1993, presented four possible procedural approaches with respect to the use to be made of the results of the consultations. In the same Information Note, the Secretary-General also presented operationally-directed formulations of the results reached so far, which threw into relief the distinction between the questions that would have to be settled during the period when seabed mining had not yet taken place and those issues that would have to be resolved at the time when commercial production of deep seabed minerals became feasible and the actual regime of exploitation would need to be in place.

13. The Secretary-General was encouraged by the statement made by the representative of the United States at the opening of the meeting held in April 1993 and by the sharing of his sense of urgency that was felt in many quarters. Based on the discussions which took place during that meeting, he produced an updated version (4 June 1993) of the Information Note of 8 April 1993.

14. In-depth discussions of specific problem areas were initiated in the third meeting, held for a duration of one week in August 1993. However, despite the longer time devoted to the meeting, and the high quality of the substantive debate, it was not possible at that stage to narrow down the discussion to the formulation of agreed provisions and to reach an understanding on specific procedures to follow to adopt them.

15. A further meeting was scheduled to be held from 8 to 12 November 1993.

III. STATE PRACTICE AND NATIONAL POLICY

A. Claims to maritime zones 2/

16. According to the information available at the Secretariat as of 15 October 1993, the outer limits of the claims by coastal States to the various maritime zones, measured from baselines, are given in the table below. It should be noted that several new coastal States have come recently into existence, 3/ making the total number 150.

(a) Territorial sea	Number of States
12 miles	120
Less than 12 miles	10
More than 12 miles	16
200 miles - 11 States	
20-50 miles - 5 States	

(b) Contiguous zone	Number of States
24 miles	44
Less than 24 miles	5
More than 24 miles	1

(c) Exclusive Economic Zone	Number of States
200 miles	84
Up to a line of delimitation, by determination of coordinates or without limits	7
(15 States claim a fishery zone of 200 miles and 4 States claim one of less than 200 miles)	

(d) Continental Shelf	Number of States
200 metre isobath plus exploitability criterion	40
Outer edge of continental margin, or 200 miles	23
200 miles	6
Others	9

In addition, 16 States have claimed archipelagic status, although not all have specified archipelagic baselines.

B. Recent legislation 4/

17. Following the continuous trend noted in previous annual reports, States continue to adopt or modify their legislation in accordance with the provisions of the Convention. Among the new coastal States created out of the disintegration of the Soviet Union, that is, Latvia, Ukraine and Lithuania, on 20 December 1990, 4 November 1991 and 25 June 1992, respectively, adopted legislation on their respective State frontier in which they have set the breadth of the territorial sea at 12 nautical miles. On 13 July 1992, Estonia adopted rules of navigation of ships through the territorial sea and the internal waters of Estonia. In March 1993, Estonia also adopted legislation on the baseline and the outer limit of the territorial sea.

18. On 4 January 1993, Brazil enacted a comprehensive law on the marine areas over which it exercises sovereignty or jurisdiction. With regard to the territorial sea, it has reduced its territorial sea claim from 200 miles, established in 1970, to 12 miles. It has further established a 24-mile contiguous zone and a 200-mile exclusive economic zone. In the territorial sea, foreign ships are entitled to innocent passage subject to the regulations established by the Government of Brazil.

19. On 26 July 1993, Brunei Darussalam declared a 200-mile exclusive economic zone. The boundaries of the zone are identical to the boundaries of the fishery limits, which were declared in 1983.

20. Qatar and Bahrain, by decrees of 16 April 1992 and 20 April 1993, respectively, have adopted new legislation extending the breadth of their territorial seas to 12 miles. Those decrees have also established a contiguous zone of 24 miles from the baseline from which the territorial sea is measured.

21. On 2 May 1993, the Islamic Republic of Iran adopted a comprehensive law on marine areas. The new law confirmed a 12-mile territorial sea and established a 24-mile contiguous zone. It transforms the existing fishing zone of 50 miles into an exclusive economic zone, the external limit of which is to be determined by bilateral agreement or, in the absence of agreement, by the line every point of which is equidistant from the nearest point on the baseline of the two States.

22. The United Arab Emirates is in the process of adopting at the federal level a law on sea boundaries which will extend the territorial sea to 12 miles and the contiguous zone to 24 miles with respect to all seven Emirates (Abu Dhabi, Ajmau, Dubai, Fujaira, Ras al-kimn, Sharjah and Umm al-Qwain). Currently the 12-mile limit applies to Sharjah only, the other Emirates having claimed 3 miles for their territorial seas.

23. On 3 December 1992, Sweden adopted a law, which entered into force on 1 January 1993, establishing an exclusive economic zone replacing the fishing zone established in 1977, as amended in 1979. This zone may not extend beyond a demarcation line which has been agreed upon with another State or, in the absence of such agreement, beyond the median line.

24. On 7 May 1993, a proclamation was issued establishing a maritime zone extending 200 miles around South Georgia and the South Sandwich Islands in the

South Atlantic, in which the United Kingdom "will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the natural resources (whether living or non-living) and over the protection and preservation of the marine environment". 5/ In a statement issued on the same day, the Government of the United Kingdom explained that the measure was taken in order to strengthen conservation and management of marine resources and was intended to supplement, not replace, the role of the Convention on the Conservation of Antarctic Marine Living Resources (A/48/167-S/25773, annex I).

25. On the same day, the Government of Argentina issued a statement rejecting the above-mentioned proclamation and reaffirming the "legitimate rights of sovereignty of the Argentine Republic" over the two islands in question (A/48/162-S/25742, annex).

26. On 9 November 1992, an exclusive economic zone was proclaimed by the United Kingdom around the islands of Pitcairn, Henderson, Ducie and Oeno in the South Pacific. The zone around those islands is bounded by lines of 200 miles drawn from the nearest point on the baseline from which the territorial sea is measured. With this proclamation applying to overseas territories, the United Kingdom has for the first time established an exclusive economic zone.

27. Two States have enacted legislation concerning straight baselines: Thailand, by a decision of 11 August 1992, has amended three reference numbers of Area III of the Announcement of the Office of the Prime Minister concerning the Straight Baseline and Internal Waters dated 11 June 1970. That amendment was to correct some errors. In a note verbale dated 31 May 1993, Cyprus transmitted to the Secretariat the list of geographical coordinates and a map showing straight baselines for measuring the breadth of its territorial sea.

28. Of particular interest with respect to safety of navigation are the regulations which France and Italy adopted on 15 and 26 February 1993, respectively, in compliance with resolutions of the International Maritime Organization (IMO). Those regulations are aimed at preventing navigation through the Strait of Bonifacio of oil tankers, gas carriers and chemical tankers carrying hydrocarbons, chemicals or other polluting substances which are dangerous or harmful to the marine environment.

C. Other developments

29. A meeting of Governmental Experts from Developing Land-locked and Transit Countries and representatives of Donor Countries and Financial Institutions was held in New York from 17 to 19 May 1993, pursuant to General Assembly resolution 46/212 of 20 December 1991, which recalled in its preamble the United Nations Convention on the Law of the Sea. The meeting identified a series of problem areas for transit cooperation between developing land-locked and transit countries which need to be addressed on a priority basis. It also adopted recommendations regarding the modalities for further action to improve transit systems, including the concerted efforts to be made by land-locked and transit countries to become parties and to implement relevant international conventions, as well as to implement bilateral and subregional agreements and arrangements. 6/

IV. SETTLEMENT OF CONFLICTS AND DISPUTES

A. Maritime delimitation

30. On 14 June 1993, the International Court of Justice delivered its Judgment in the case concerning the Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), fixing a delimitation line for the continental shelf and the fishery zones in the area concerned. The Court stressed that the application of the 1958 Convention to the continental shelf delimitation did not mean that article 6 of that Convention could be interpreted or applied either without reference to customary law on the subject, or wholly independently of the fact that a fishery zone boundary is also in question in these waters. After examining the case-law in this field, the Court noted that the statement in the provision of the 1982 United Nations Convention on the Law of the Sea of an "equitable solution" as the aim of any delimitation process, reflects the requirements of customary law as regards the delimitation both of continental shelf and of fishery zones. The Court concluded that the median line, adopted provisionally as the first stage in the delimitation, should be adjusted or shifted to become such a line as to attribute a larger area of maritime space to Denmark than would the median line. Therefore, the delimitation line had to be drawn within the area of overlapping claims, defined in this case by the median line and the 200-mile line from Greenland. For that purpose, the Court divided the area of overlapping claims into three zones. Expressing its view that the two Parties should enjoy equitable access to the fishing resources, the Court divided the southernmost zone, corresponding essentially to the principal fishing area, equally by median line. The second and third zones have been divided differently, with reference to the requirements of equity, the larger proportion of these parts of disputed area being allocated to Jan Mayen. 7/

31. The maritime delimitation case between Guinea-Bissau and Senegal is still pending with the International Court of Justice (see A/47/623, para. 26). Following the joint request made in October 1992 by the two Parties that a further period be allowed for continuation of negotiations between them, no time-limit has been fixed for the initial pleadings in the case.

32. In the case concerning maritime delimitation and territorial question between Qatar and Bahrain, the oral proceedings confined to the issues of jurisdiction and admissibility are scheduled to open on 28 February 1994 (see A/46/724, para. 31).

B. Other conflicts and disputes

33. Croatia and Slovenia established a group of experts on boundary delimitation in 1992 and successfully settled most of the land boundaries. The only remaining disputed sector is the boundary at the mouth of the Dragonja River to the sea. The present day de facto boundary follows the southernmost channel of St. Odorick, which is actually the dividing line according to the 1955 cadastre survey. The Croatian claim is for a boundary on the former river bed of St. Jernej's channel further to the north on the territory which is under Slovenia's effective jurisdiction, whereas Slovenia claims a boundary to the south of St. Odorick's channel on the basis of a 1918 cadastre survey. The key

issue is that the boundary at the mouth of the Dragonja River would generate a maritime boundary in the Bay of Piran, 8/ and particularly for Slovenia, it would mean an open access to international waters. 9/

34. With regard to the dispute between Namibia and South Africa over Walvis Bay, it was reported that, on 8 September 1993, agreement was reached between the two parties that South Africa would transfer sovereignty over the enclave to Namibia on 1 March 1994. The question would be submitted to the South African Parliament "before the end of 1993", according to the Government communiqué. 10/

V. MARITIME SAFETY AND MARINE ENVIRONMENTAL PROTECTION

35. Under the IMO philosophy of "Safer shipping, Cleaner seas", and a priority emphasis on improving ratification, implementation and enforcement of existing instruments rather than embarking on new legislation, 11/ there has been an increasingly integrated approach to standard-setting and resolution of implementation problems. This is best exemplified by the establishment of an integrated Technical Cooperation Programme; 12/ the joint Subcommittee on Flag State Implementation of the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC); and the recent creation of a MSC/MEPC Committee to deal with the policy and structuring of the organization, as well as to monitor the process of improving overall implementation. This streamlining also has the effect of bringing together different constituencies in Governments and, given the significant increase in IMO membership in recent years, of promoting greater participation in decision-making.

A. Priority issues

36. Recent oil-spill incidents, an ageing world fleet and an increase in the number of substandard ships, as well as reduced crew sizes have underlined the importance of the following issues:

(a) Resolving difficulties in flag State implementation of IMO standards, strengthening port State control, and imposing responsibilities on ship management;

(b) Improving tanker safety and phasing out old ships;

(c) Extending requirements for ships' routing and reporting systems;

(d) Countering the serious decline internationally in resources for both salvage and wreck removal;

(e) Dealing with communication problems among multinational crews and updating training, including revision of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW);

(f) Strengthening capabilities to deal with oil pollution incidents; and

(g) Expediting ratification of recent conventions, especially the 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), and widening the membership of conventions in force. 13/

These issues are in addition to the long-standing problem of ensuring adequate port waste-reception facilities, particularly for oily wastes.

37. Proposals on these issues are presently under consideration by IMO and some are near completion. At the IMO Assembly in November 1993, there will be a special joint MSC/MEPC meeting to consider broad questions of policy and strategy, to agree on priorities and to decide on the most rational way to structure committees and allocate work.

B. Strengthening implementation, including port State control

38. Difficulties in implementing flag State responsibilities to ensure prompt and timely ship surveys and inspections are attributed to lack of resources and experienced personnel, division of responsibilities within Government, delegation of authority to an increasing number of organizations, and inadequate supervision of those bodies. The forthcoming IMO Assembly will be adopting guidelines to help flag States administer their responsibilities for maritime safety and environmental protection. 14/

39. Governments are also urged to adopt an oversight and control programme to provide prompt and thorough casualty investigations, and timely response to reports on deficiency by port States and on pollution incidents by port or coastal States. It is hoped that the present situation with regard to the provision of such information can be radically improved. 15/

40. An especially important development in respect of improved implementation is the completion of a new International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), which applies also to mobile offshore units. 16/ Governments are urged to implement the Code no later than 1 June 1998, pending development of its mandatory application, which is anticipated to be done through amendment of the International Convention for the Safety of Life at Sea (SOLAS). The Code calls on every shipping company to adopt a Safety Management System and to formulate a safety and environmental protection policy for its development.

41. The maritime industry itself is also responding to the new demands: the International Chamber of Shipping has drawn up a Code of Practice on "Shipping and the Environment"; members of the International Association of Classification Societies have agreed to common procedures with respect to their cooperation on port State inspections; and INTERTANKO has adopted a "Safer Tanker Navigation", whereby tanker owners would voluntarily follow measures for safer navigation until further implementation of IMO regulations. Industry has also been supportive of mandatory reporting requirements related to IMO-approved routing measures. 17/

42. The MSC/MEPC Subcommittee on Flag State Implementation has also developed a Code establishing procedures which extend port State control to operational requirements for maritime safety and pollution prevention. 18/ It acknowledges

the legitimate interest of port States in environmental protection and safety on board foreign ships calling at their ports, as well as the difficulties faced by some flag States in exercising full and continuous control over ships flying their flag, such as in cases where crews change completely between inspections or where ships do not regularly call at flag State ports. Under the Code, port States will now be able to assess also the operational abilities of ships' officers and crew, especially those of passenger ships and ships presenting a special hazard.

43. Following the adoption of the Code, all previous relevant resolutions and recommendations on port State control will be amalgamated and, in order to provide the legal basis for this extension of port State control, amendments to article 5 of the 1973 International Convention for the Prevention of Pollution from Ships as amended by the 1978 Protocol (MARPOL 73/78) 19/ will be prepared for adoption at a Conference of Parties in November 1994. Similar amendments will be necessary to the SOLAS and STCW Conventions, which presently do not allow for such control. Historically, responsibility lay exclusively with the flag State, with port State control restricted to non-operational requirements.

44. In 1991, IMO called for the initiation of regional port State control measures, similar to those of the Memorandum of Understanding on Port State Control (Paris MOU). 20/ There is now such a regional agreement for Latin America, done at Viña del Mar, Chile, in November 1992; 21/ and a similar agreement is expected for the Asia-Pacific region in 1994. IMO is now considering developing global guidelines for regional systems to ensure mutual acceptance of inspection results.

45. In Europe, a common maritime transport policy has now been developed. The Commission of the European Communities has completed "A common policy on safe seas", which sets forth a detailed action programme to eliminate sub-standard operators, vessels and crew from Community waters, irrespective of the flag of the vessel. 22/

46. The concerns over sub-standard ships (including tankers) are such that active consideration is being given at IMO to the possibility of developing an internationally accessible database on ship information to allow all concerned, including port States, ship charterers, insurers and classification societies, to determine the condition of a particular ship for their specific purposes.

C. Tanker safety and the phasing out of old ships

47. The 1992 MARPOL 73/78 amendments, requiring the mandatory upgrading of all 25-year-old ships by 1995 at the latest, came into force in July 1993, together with the requirement that new tankers be built with double-hulls or an equivalent design (guidelines for which have yet to be elaborated).

48. Combined with the new greatly strengthened inspection scheme, it is possible that nearly 50 per cent of existing large tankers could be phased out or upgraded before the year 2000. 23/ Since world shipyard capacity is much smaller than it was a decade ago and replacements cannot be built in sufficient quantities to meet the demand, IMO has sought to ensure that the phasing-out process is realistic. 24/

D. Ships' routing and reporting

49. IMO has approved more than 100 mandatory Traffic Separation Schemes (TSS) around the world and has recommended 50 other routing measures, including deep-water routes for tankers and areas to be avoided. New measures to be approved by the Assembly in November 1993 include: a new TSS in the Gulf of Aqaba, to be implemented only after a hydrographic survey has been done and navigational aids established; and new or amended areas to be avoided and recommendations on navigation off the United Kingdom, including the region of the Braer incident. 25/

50. Also, following the measures taken by France and Italy in February 1993 to regulate navigation through the Strait of Bonifacio (see para. 28 above), IMO has approved a mandatory reporting system for the Strait: France and Italy are to impose a system of surveillance and information, which will require ships entering or crossing the Strait to report name, call sign, position, course, speed, route information, cargo and navigational ability. Flag States are also urged to prohibit or strongly discourage the transit of the Strait by laden oil tankers and ships carrying dangerous chemicals or substances in bulk liable to cause pollution. 26/

51. New measures will also be developed for the Straits of Malacca, where some 600 ships transit each day. The number of accidents over the past five years (some 430) has been highlighted by three recent major incidents, all of which occurred in areas outside existing TSS. Under consideration is a TSS that would extend the whole length of the Malacca Straits (joining up the two existing schemes), and further traffic separation zones off the north coast of Sumatra. Consideration must be given to the state of hydrographic surveys and agreement reached among the littoral States before the adoption of a TSS. 27/

52. IMO bodies have generally agreed with the principle of mandatory ships' routing and reporting, and on the need to provide a specific legal basis for such measures. MSC has decided that its approach will be to amend SOLAS regulation V/8 to provide for mandatory reporting and develop appropriate provisions for mandatory routing. 28/ SOLAS regulation V/8 provides that IMO is the only international body for establishing and adopting measures on an international level concerning routing of ships in international waters.

53. In spite of extensive debate in the IMO Legal Committee, there was no consensus on the question as to whether the provisions of the United Nations Convention on the Law of the Sea could provide the necessary legal basis for mandatory reporting, and it was felt that IMO should proceed with caution to ensure that mandatory measures were without prejudice to the Convention. The Legal Committee had also concurred with the view of MSC that the most relevant provisions for mandatory reporting were those related to ships' routing, and that IMO could justify mandatory reporting based solely on navigational considerations or on a combination of navigational and environmental considerations. 29/

54. Outstanding questions awaiting final resolution also include whether to extend the information requirement to ship's cargo and destination; and whether enforcement, in the event of failure to report, should be carried out only by

the flag State (as in SOLAS), by both the flag and port State (as in MARPOL 73/78), or by the creation of new provisions.

55. The IMO 1991 Guidelines on Special Areas and Particularly Sensitive Sea Areas 30/ will also receive special attention in the development of mandatory ship routing and reporting systems. The questions arise as to the legal basis for a broader range of measures tailored to such discrete sea areas, particularly the scope and content of coastal States' rights to restrict navigation. The Guidelines had already noted that article 211 (6) of the United Nations Convention on the Law of the Sea, which puts the onus on coastal States to define area-specific measures and then submit them to IMO for approval, would allow for a broader range of measures than is currently provided under the system of Special Areas in MARPOL 73/78.

56. Several Governments continue to express some concern over the system of mandatory routing itself in view of the possible environmental, safety, and economic effects of restricting an increasing number of ships to a decreasing number of routes. Some are particularly concerned over the implications for search and rescue and pollution combating if tankers are moved further from the coast and thus from available services. 31/ They argue that better implementation of existing requirements, acceptance of the OPRC Convention and solutions to the structural problem of the salvage industry would produce the desired results.

E. Oil pollution preparedness and response

57. With effect from April 1993, every oil tanker over 150 gross tons and other ships over 400 tons will be required to carry on board an oil pollution emergency plan drawn up in accordance with IMO guidelines. This was a requirement of the OPRC, implemented through MARPOL 73/78. The OPRC Convention is not yet in force; none the less a global strategy for implementation has been adopted drawing on all applicable IMO instruments - MARPOL 73/78 as well as OPRC - and on the Regional Seas Programme of the United Nations Environment Programme (UNEP). 32/ Specific programmes will include establishment of a database on oil spill research and development; assistance for the development of national response systems; development of training and advisory services; development of port response plans; and the expansion of OPRC to cover also chemicals. 33/ Promotion of technical research and development for oil pollution control and treatment will cover also surveillance technologies. 34/

58. Emergency response operations are dependent on meteorological and oceanographic data and services. Of particular note, therefore, is the implementation on a trial basis of a new Marine Pollution Emergency Response Support System. This World Meteorological Organization (WMO) system is being closely coordinated with the relevant activities of IMO, UNEP and the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

59. The issue of timely reporting of threatening situations is also receiving special attention. MEPC has agreed on the need to strengthen the reporting requirements of Protocol I of MARPOL 73/78, for example, by making reporting mandatory for all ships carrying significant quantities of fuel oil above a

certain size, in addition to tankers. Various options will be considered as to the area of applicability: the exclusive economic zone or a zone of 200 miles from the baseline, a zone of 50 miles from the baseline, or Special Areas and particularly sensitive sea areas.

60. MARPOL 73/78 Special Areas require particular attention with respect to the development of Oil Spill Response Plans, as well as the improvement of port waste reception facilities. A subregional Oil Spill Contingency Plan for Caribbean States and Territories was completed in November 1992. The Plan contains provisions requiring notification to neighbouring countries when response operations, such as the use of dispersants, are to be conducted beyond the territorial sea. 35/

61. In South-East Asia, an agreement for a regional oil spill contingency plan, resulting from meetings convened by the Association of South-East Asian Nations (ASEAN) and Japan, is expected by the end of 1993. It may also be noted that the United Nations Development Programme (UNDP)/Global Environment Facility (GEF) with IMO cooperation will be funding a multi-disciplinary project on marine pollution in East-Asian Seas.

F. Transport of radioactive materials

62. The Regulations for the Safe Transport of Radioactive Materials of the International Atomic Energy Agency (IAEA) control the design of the package in which radioactive materials are carried, regardless of the mode of transport. Particularly in view of the increase in maritime transport of such materials, IMO has decided that special ship requirements are needed. The IMO Assembly in November 1993 is to adopt a Code of Practice for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships. 36/ Matters identified for further consideration include emergency response issues, position tracking of ships, and fitting of devices to transport containers to assist in their location and recovery in the case of loss at sea.

G. Salvage and wreck removal

63. At the time of adoption of OPRC, concerns over the question of global salvage capacity led to the adoption of Conference Resolution 8. Subsequent investigations of the situation by IMO, the European Community and others have revealed a shrinking industry, with many holding the view that market forces alone will not arrest the decline and governmental and/or international involvement at the regional level will be inevitable. Governments have been urged by the maritime industry also to ratify the 1989 International Convention on Salvage. 37/

64. The IMO Legal Committee will now take up the issue of wreck removal and the possible drafting of a new convention. This had been urged by the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions, adopted together with the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic. A subsequent review of the legal situation by several European Governments cites article 221 of the Convention on the Law of the Sea as confirming the right of the coastal State to take measures

beyond the territorial sea to protect its coastline or related interests from pollution and threat thereof resulting from a maritime casualty, and article 211 (7) as envisaging the establishment through IMO of international rules on prompt notification to coastal States of incidents which involve discharges or the probability thereof. It concludes that these provisions would allow the coastal State to take measures for navigational safety and pollution prevention associated with sunken ships beyond the territorial sea, and that a new convention should specifically add to the right of intervention as regards maritime casualties. 38/

H. Pollution from the offshore oil and gas industry

65. In response to Agenda 21 of the United Nations Conference on Environment and Development (UNCED), IMO is examining the need for developing international legal instruments dealing with pollution from offshore mineral resource activities. Apart from article 208 of the United Nations Convention on the Law of the Sea, there are virtually no rules and standards applicable to this source of pollution at the global level. 39/ The several regional instruments (covering the Gulf region, the North Sea, the North-East Atlantic and the Baltic, as well as the draft protocol for the Mediterranean) are being examined to determine the range of topics that would need to be covered should IMO decide to establish international rules and standards. A first step will be to gain a more intimate knowledge of offshore licensing arrangements around the world in order to determine if action by Governments and industry has been inadequate. 40/ The Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) has also stressed that, since knowledge of pollution impacts currently comes almost exclusively from offshore fields in the North Sea and off North America, information is urgently needed from more vulnerable localities, particularly shallow or enclosed waters. 41/

VI. WASTE MANAGEMENT, TRANSPORT AND DISPOSAL

66. IMO has formulated a new policy whereby the reception and treatment of wastes in port should be considered as part of more comprehensive waste management strategies. 42/ This same approach has also greatly influenced the application of the regime for ocean dumping under the 1972 Convention on the Protection of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) and the need to undertake a Global Waste Survey, and is fundamental to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. 43/ In response also to Agenda 21, there has been a general effort to orient programmes towards the strengthening of waste management infrastructures.

A. Ships' wastes

67. MARPOL 73/78 establishes requirements for port waste reception in its annexes on oil, chemicals, sewage and garbage. While shipboard requirements are specified and are the responsibility of flag States, reception facilities are a matter for determination by individual Governments. 44/

68. At present, reception facilities are inadequate if not totally absent, causing mounting concern to IMO and regional organizations, and to industry itself. The main concern is with oily wastes, since the lack of deballasting and slop reception facilities at crude oil and product loading terminals can cause considerable ecological damage due to the sheer quantities of oil discharged into the same coastal waters over an extended period of time. Projected reductions in the need for deballasting facilities, based on implementation of MARPOL 73/78 requirements for separate ballast tankers, have not eventuated; instead, the world tanker fleet (mostly constructed before the MARPOL 73/78 amendments took effect) continues to age, now averaging 14 years and older in some regions.

69. The fundamental problem is one of financing the major investments that port States are called upon to make, and some headway has been made by virtue of the relatively recent interest shown by the World Bank and GEF in funding facilities in the Caribbean (for ship garbage), and in the Mediterranean and Black Seas (for oily wastes). 45/ IMO has appealed to funding bodies that it will not be enough to construct pipelines and treatment installations; ships must be persuaded to use them and a charge system introduced to cover running and amortization costs. 46/ At present, ports have a basic choice as between imposing a separate charge, thus encouraging illegal disposal before entering port; or incorporating the cost within port charges, thus affecting commercial competitiveness.

70. IMO has investigated ways of introducing economic incentives, for example, through use of fresh water (instead of sea water) for tanker ballast, and recovery of oil from oily wastes. It has also proposed including a charge for deballasting facilities in the world scale figure for oil transportation costs, which would be transferred to a Fund for Reception Facilities from which capital investment costs would be made, with priority for ports in Special Areas. 47/ Such a multilateral approach would be needed to eliminate otherwise adverse impacts of unilateral action on economic competitiveness. In due time IMO will initiate steps to establish such Funds from automatic charges on shipping.

B. Introduction of exotic species by ships

71. There is now unequivocal evidence world wide that aquatic organisms, disease bacteria and marine species carried in ships' ballast tanks have become widely established in foreign waters, causing significant environmental, ecological, trade and health problems. The collapse of the ecosystems of the Black, Azov and Marmara Seas has been attributed to such an invasion. 48/

72. IMO is concerned that the global significance of this worsening problem is not sufficiently understood and that the 1991 Guidelines for Preventing the Introduction of Unwanted Aquatic Organisms and Pathogens from Ships' Ballast Waters and Sediment Discharges, adopted by MEPC in 1991, are not being implemented. 49/ It has emphasized both the responsibility of flag States and port States and the rights of coastal States on this issue. MEPC and MSC are now required to develop further those Guidelines as a basis for a new annex to MARPOL 73/78. 50/

C. Ocean dumping

73. The 1972 London Convention (now ratified by 71 States) is to be amended substantially to incorporate past decisions and recommendations, and to institute new policies more in keeping with modern environmental protection strategies.

74. On the advice of the Amendment Group of the Contracting Parties, amendments are expected to be undertaken in accordance with a "two-track system": 51/ the adoption of a first set of amendments, designed to enter into force under the tacit acceptance procedure, at the Sixteenth Consultative Meeting of Contracting Parties in November 1993; and a subsequent thorough review of the Convention with a view to amending it, for example, through a protocol.

75. The Sixteenth Consultative Meeting would thus deal primarily with proposals to amend the annexes to prohibit at-sea incineration and disposal of industrial wastes and low-level radioactive wastes. Other matters subject to amendment proposals include: the re-definition of "sea" to include internal waters and sub-seabed waste repositories (accessed from the sea); the inclusion of specific provisions on artificial reefs made of waste materials; 52/ prohibition of waste exports to non-Parties; 53/ and inclusion of the precautionary approach and the Waste Assessment Framework developed under the Convention. Among the issues that await consideration over the longer term are extension of the London Convention to cover wastes from offshore processing of seabed mineral resources, the definition of marine pollution, and specification of coastal State jurisdiction in accordance with the Convention on the Law of the Sea. 54/

76. To counter the underlying concern as to the impact of a global ban on incineration and industrial waste dumping, particularly on the capacity of developing countries to find alternatives to sea disposal, a Global Waste Survey has been undertaken, led by a UNEP/IMO Steering Committee. Cooperating with the Committee are UNDP, Economic Commission for Europe (ECE), Economic and Social Commission for Asia and the Pacific (ESCAP), Food and Agriculture Organization of the United Nations (FAO), United Nations Industrial Development Organization (UNIDO), World Health Organization (WHO), World Bank, European Economic Community (EEC), Organisation for Economic Cooperation and Development (OECD) and other regional organizations. Over 100 countries have already submitted information to the project, which is designed to identify priority areas for technical assistance and capacity-building. 55/

77. The decision on low-level radioactive wastes will mark the end of a long process of review, conducted by the Intergovernmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) established by the Contracting Parties. Its final report contains two comprehensive statements setting forth its conclusions on the legal, political and economic, as well as scientific and technical aspects. It is important to note the Panel's conclusion that there has been a sustained development of international law with a trend towards restricting and controlling ocean dumping of radioactive wastes at the global level and prohibiting it on a regional basis, and a growing challenge to the legitimacy of using the high seas and the seabed beyond national jurisdiction for activities that might result in pollution of the marine environment. 56/

78. An international effort is now under way to assess the problem arising from past dumping of radioactive material in the Kara and Barents Sea and to examine possible remedial actions. The four-year International Arctic Seas Assessment Project was launched in February 1993 by IAEA in cooperation with Norway and Russia. It is supported by an IAEA-coordinated research programme to model radiological impact and a database is being developed by the Monaco IAEA Marine Environmental Laboratory. 57/ Work will also be coordinated with the Arctic Monitoring and Assessment Programme. 58/ Results must be reported to the Parties to the London Convention, which raised the issue at their Fifteenth Consultative Meeting. In response to their request, the Russian Federation has now supplied detailed information on the dumping activities in question. 59/

VII. INSTITUTIONAL FOLLOW-UP TO AGENDA 21

A. New ACC Subcommittee on Oceans and Coastal Areas

79. The Inter-Agency Committee on Sustainable Development (IACSD) of the Administrative Committee on Coordination (ACC) has agreed to establish an ACC Subcommittee on Oceans and Coastal Areas and has submitted proposed Terms of Reference etc. to ACC for approval. 60/ It may be recalled that, until 1979, there had been an ACC Subcommittee on Marine Affairs, which was dissolved as a consequence of the restructuring of the Economic and Social Council at that time.

80. The decision was based on the findings of a special meeting of the agencies belonging to the Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO) in 1992 (see A/47/623, paras. 59-60), and an inter-agency meeting on ocean affairs held in August 1993 at the request of IACSD. The new Subcommittee will report to IACSD and generally be guided by it. The preparation of the in-depth review of actions under Chapter 17 of Agenda 21 by the Commission on Sustainable Development at its 1996 session will be one of the main tasks of the Subcommittee. It may be noted that the Subcommittee is required to interact with joint scientific advisory bodies, such as GESAMP, to establish the scientific basis for its policy recommendations. It will carry out its work primarily through "task managers". 61/ Its secretariat will be provided by IOC.

B. Follow-up actions by United Nations organizations

81. FAO had already incorporated many aspects of Agenda 21 as a major priority in the 1992-1993 Programme of Work and Budget and in its Medium-Term Plan, and had undertaken a thorough review of its activities for preparation of "Sustainable Development and the Environment: FAO Policies and Actions, Stockholm 1972-Rio 1992". It has since concluded that Special Action Programmes should be established for a responsible and sustainable fisheries programme based on several elements of the Strategy adopted by the 1984 World Conference on Fisheries Management and Development.

82. At WMO, special rapporteurs on marine meteorology will work with the Executive Committee Working Group on Follow-up to UNCED including Capacity-Building. They have been charged with identifying special actions to be taken

by WMO and by national meteorological services in the area of systematic ocean monitoring and data exchange.

83. At IMO, MEPC has been made the focal point for follow-up to Agenda 21 and extensive analyses of the implications of Agenda 21 provisions have been prepared by the secretariat. 62/ Work on most issues is well under way, but new initiatives will be necessary with respect to regulation of marine pollution from the offshore oil and gas industry and for dealing with the long-standing problem of inadequate port waste reception facilities. The MEPC has called for a special study on the financial implications of Agenda 21.

84. At IOC, a special working group has been established to assess the implications of UNCED decisions for its programmes and budget, including its regional components, and further develop the IOC Draft Action Plan, with emphasis on selected high-priority activities such as the development of the Global Ocean Observing System that might be proposed for extrabudgetary funding. 63/ IOC is also planning to organize an international conference on marine scientific research and ocean management for sustainable development, preferably in 1994. Also to be noted is the expanded sponsorship of the Global Investigation of Pollution in the Marine Environment (GIPME), now including IMO as well as IOC and UNEP. UNIDO has also stated its interest in joining GIPME.

85. Largely in response to the needs of Agenda 21, the eight sponsoring agencies of GESAMP have agreed on a revised mandate for the Group to clarify its role in evaluating specific scientific issues, processes and methodologies relevant to management actions for marine environmental protection, as well as providing periodic reviews and assessments of the state of the marine environment. This has necessitated a change in its title to the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection. 64/

86. At UNEP, response to Agenda 21 is linked to the present process of establishing new programme priorities. 65/ These would include monitoring and assessment activities, particularly Earthwatch and state-of-the-environment reporting, catalytic functions, capacity-building with UNDP and environmental economy. 66/ Much greater use of regional cooperation is anticipated, including closer cooperation with the United Nations regional commissions.

87. The World Bank has started to develop a set of guidelines on integrated coastal zone management for use by professional staffs of developing States in formulating coastal zone management programmes and by task managers in funding institutions, such as the World Bank. For that purpose, the World Bank, together with UNEP and FAO, convened an Expert Group Meeting in November 1992. A set of guidelines are being prepared on the basis of draft guidelines and the discussions of the expert group with a view to presenting it at the International Conference on Coastal Zone Management to be held in The Hague from 1 to 5 November 1993.

88. The Regional Commissions have also begun the process of reorienting programmes and adjusting working methods to meet the new emphasis on regional cooperation in Agenda 21. In Europe, the ECE Senior Officials on Environment and Water Problems, in response to both UNCED and the Conference on Security and Cooperation in Europe (CSCE) processes, is playing an increasing coordinative role involving OECD, the Commission of the European Communities, UNEP, and other

international organizations and financial institutions, including the World Bank. The Economic Commission for Latin America and the Caribbean (ECLAC) has devised ways of better supporting countries of the region in the implementation of Chapter 17 of Agenda 21.

89. Many agencies have expressed particular concerns over the need for elucidation of their relationship with the financial mechanisms of Agenda 21, particularly as regards GEF and the new role assumed by UNDP in financing assistance for national capacity-building. UNEP, for example, has stressed that GEF should provide funds to priority international and national activities, even where they are not covered directly by conventions on global or regional seas.

VIII. OTHER DEVELOPMENTS RELATING TO THE MARINE ENVIRONMENT

90. At the regional level, there has been a marked acceleration in the process of establishing common policies and strengthening cooperation, particularly on environmental problems. Increasingly, decisions are being taken at the ministerial level.

91. The process known as "Environment for Europe" has been further advanced by the Declaration adopted by the Ministers of the Environment of the ECE region and the Members of the Commission of the European Communities responsible for the Environment at Luzern, Switzerland, on 30 April 1993. The Declaration stresses intensified regional cooperation and convergence of environmental quality and policies, and the development of an integrated approach to the prevention and control of pollution. Intensive coordination is required among the Commission, ECE, UNEP, UNIDO, OECD and others, including the financial institutions. 67/

92. For the Baltic Sea, new funding arrangements may eventuate from the call by the European Parliament for a Joint Baltic Environmental Fund to finance pollution-prevention measures, particularly sewage plants serving the Polish, Baltic States and Russian cities on the Baltic, and in industrial cities on rivers flowing into the Baltic, building on the efforts of the Nordic Environmental Fund. 68/ The Council of Baltic States (established in 1992) is also seeking a meeting with the international financial institutions to promote regional projects, with emphasis on the development of infrastructures.

93. The Mediterranean also is now receiving greater financial assistance through the three-year, $30 million Mediterranean Environment Assistance Programme, co-sponsored by the World Bank, UNDP, the European Investment Bank and the Commission of the European Communities. Initial funding will provide grants for safe management of hazardous wastes, prevention of oil and chemical spills and management of water resources. Specific programme areas include a marine protection scheme in Egypt, a hazardous waste management programme in Algeria, and a joint training scheme in environmental impact assessment.

94. The Ministerial Declaration on the Protection of the Black Sea of 7 April 1993 constitutes an interim framework Action Plan, the final version of which awaits the completion of the GEF project. The Declaration has set various targets for the next three to four years: common environmental quality objectives and emission standards on certain substances; coordinated national

plans for the reduction of nutrient inputs; national plans for applying MARPOL 73/78 Special Area requirements, including waste reception facilities; national and regional contingency plans; a regional assessment of sources and levels of main contaminants and a trend-monitoring system directed at the most threatening substances; compulsory environmental impact assessment of projects; and national policies on integrated coastal area management, including legislative measures and economic instruments. The construction of sewage systems and treatment plants was declared to be a matter of urgency, and the dumping of all radioactive wastes was banned with immediate effect. Given the serious condition of Black Sea fisheries, the Action Plan also provides for comprehensive and coordinating planning for their restoration, conservation and management.

95. In the North-West Pacific, the five States concerned (China, the Democratic People's Republic of Korea, Japan, the Republic of Korea and the Russian Federation) have together produced a regional overview of the state of the marine environment and are expected to adopt an Action Plan later in 1993. One important component will be the construction of sewage-treatment plants and pollution-control measures for cleaning up industrial-waste waters and urban run-off, particularly around Vladivostock. In the East-African region, new efforts are being made to review and revitalize the Action Plan and the related legal instruments of 1985, which have not entered into force.

96. Truly effective marine environmental law and policy generally awaits solutions to the problem of land-based sources of pollution. Expectations focus on the preparatory process of the United Nations Environment Programme for the 1995 international conference called for by Agenda 21. It consists of a preliminary expert meeting to assess the effectiveness of regional agreements (1993); a meeting of government-designated experts to discuss the possible amendment of the 1985 Montreal Guidelines and to outline additional areas for international cooperation (1994); and a final expert meeting prior to the conference to review and revise a draft programme of action.

97. The concentration on land-based sources and coastal area management is apparent in all recent regional decisions. The UNEP Regional Seas Programme (covering 13 regions with over 140 participating States and territories) has been largely refocused towards environmentally sound integrated planning and management of coastal zones, especially in the Caribbean and the Mediterranean, and, more recently, in the South-East Pacific. Furthermore, UNEP has been refining the methodological approach to take fuller account of institutional capacities in the regions concerned, and the use of economic instruments and environmental statistics. 69/

98. Caribbean countries have made progress on the development of a protocol on land-based sources and on the compilation of existing national legislation and institutional capacity in the region. In the South-East Pacific, a draft protocol is being prepared on environmental impact assessment in marine and coastal areas. In the Gulf of Guinea, the UNIDO project funded by GEF on water-pollution control and biodiversity conservation includes control of industrial sources of marine pollution as one of its main objectives. In the Mediterranean, where the control of land-based sources has the highest priority, considerable progress has been made in applying the tools of coastal-area management in a number of target areas: Geographic Information Systems;

assessments of carrying capacity for tourism; hazard assessment and risk management; and multi-critical analysis for proper siting of development projects.

99. It should be noted that the reports of the regional technical meetings on the sustainable development of small island States in Vanuatu (covering the Indian and Pacific Oceans) and in Trinidad and Tobago (covering the Caribbean and the Atlantic Ocean) also provide considerable information on regional activities and on priorities. 70/ It is generally recognized that the United Nations system action for the benefit of small island developing States has been scattered and uncoordinated with no real focus on island activities. The 1994 Global Conference for the Sustainable Development of Small Island Developing States is seen by many as the first major test of the implementation of Agenda 21, with the islands serving as potential pilot scale examples of sustainable development.

IX. CONSERVATION AND MANAGEMENT OF LIVING MARINE RESOURCES

100. As demand for fish has increased in response to population growth, it has exceeded available supplies globally, and has placed heavy pressure on fish resources from unconstrained investment in fishing fleets world wide. It has been made clear, particularly by FAO and Government representatives during the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks in July 1993, that commercially important fish stocks are now facing serious conservation and management problems in a number of areas around the globe.

101. There is an urgent need, accordingly, for an improved fishery management and aquaculture development. On the other hand, environmental preoccupations and the growing trade in fish obliges the international community to call for a serious review of the effectiveness of existing arrangements and the political will to ensure that fish for food continues to be available on a sustainable basis. At the global level, it is recognized that sustainable fisheries depend on a collective approach through enhanced international cooperation in order to resolve those concerns.

A. World fisheries situation

102. The twentieth session of the FAO Committee on Fisheries, held in March 1993, reviewed the world fisheries situation during the ten years that had elapsed since the adoption of the United Nations Convention on the Law of the Sea. This was done on the basis, inter alia, of the secretariat report entitled "World fisheries ten years after the adoption of the 1982 Convention on the Law of the Sea". 71/

103. According to that report, the overall post-1982 pattern has been one of substantial expansion of production particularly when compared with the 1970s during which there was only a marginal increase in output. The marine catches rose by almost one third in the 1980s to reach some 86 million tons in 1989. The catches, however, started to decline in 1990. The marked increases in the total catch of marine species during the 1980s hides some negative developments.

The main concern is the fact that many important stocks of relatively high-value fish are seriously over-exploited and are in need of better management. Cod, haddock, flounder, shrimp, Atlantic salmon and certain species of cephalopod and tuna are under severe fishing pressure. 72/

104. The FAO report points out the strong indication that the increased production over the last decade has been achieved only at the cost of very significant economic losses. While the operating costs of the world's fishing fleet are estimated to approximate US$ 93,000 million per annum, estimated landed values of the marine catch in 1989 indicate a total revenue from world fisheries of the order of some US$ 70,000 million. Although some fisheries are known to be still relatively healthy, it has become abundantly clear that world fisheries as a whole produce a return that is not sufficient to cover their operating costs, let alone to achieve any interest on the capital invested. 73/

105. The over-capacity of the global fleet has thus reached a level whereby fisheries development, despite increased production, has not been economically effective for more than a decade. Indeed, the world fleet has increased at a rate twice as great as the rise in catches over the last 20 years. This over-capacity has already affected the economic viability of the industry and is now threatening the sustainability of the resources. 74/

106. With respect to the distribution of world catch, there were widespread hopes that extended jurisdiction would lead to a significant redistribution of the sea's wealth in fisheries. In fact, although a small number of coastal States have reaped substantial benefits and a few distant water States have suffered large losses, such a great redistribution has not occurred. Over 80 per cent of the total world catch is still taken by 20 main fishing nations. The major gains have accrued to the relatively few States whose zones of extended jurisdiction contain large or valuable resources, which they are either capable of exploiting themselves or which attract long-distance fleets. 75/

107. The FAO report observes that developing countries as a group have increased their catches at a much faster rate than developed countries, with their combined catch having exceeded that of developed countries by 1989. Eleven of the 20 States with the largest annual catches now belong to the developing world. 76/

108. In addition, several other developing coastal States have enjoyed considerable economic gains from their jurisdiction over important fish resources of interest to distant water fishing fleets. At the same time, however, the majority of developing coastal States, lacking resources of great interest to distant-water fishing fleets, have not been in a position to enjoy such economic gains. 77/ In fact, although artisanal fisheries accounted for more than a quarter of the entire world catch and, in many developing countries, constituted an important source of food, income and employment, the expectations that the new legal regime introduced by the Convention on the Law of the Sea would help to create significant improvements in the socio-economic well-being of artisanal fishing communities have not yet been fulfilled owing to the lack of inputs, restricted access to credit and inadequate infrastructure and social services. 78/

109. The Committee on Fisheries was pleased to learn that there has been an expansion of fish supplies for human consumption during the 1980s and international trade in fish and fishery products has increased in value (practically doubled by 1990 with a share of about 47 per cent of the export value for developing countries). Concern was expressed, however, about the proliferation of tariff and non-tariff barriers, which restricts the market for fish products. 79/ The Committee also regretted that the expectations that the new legal regime of the seas would help to create significant improvements in the socio-economic well-being of artisanal fishing communities had not yet been fulfilled. The development of this sector, in many parts of the world, continues to be constrained by lack of inputs, restricted access to simple credit and inadequate infrastructure and social services. 80/

110. On the issue of management, it was recognized that a fundamental problem was to control the access to fisheries resources, since it has been proved that open access had lead in many cases to a depletion of marine fish stocks, the dissipation of economic rents and increased conflict among users of the resources. There are at present different models on policies and mechanisms used by several countries to achieve better management of the fisheries resources. These include the establishment of a cost-effective system of monitoring, control and surveillance of fisheries activities, as well as quota and licence systems, including allocation of territorial use rights ownership and transferrable quota rights which, according to management objectives and fisheries conditions, could be adopted by Governments. 81/

B. Other developments at the global level

1. United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

111. Pursuant to General Assembly resolution 47/192 of 22 December 1992, the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks held its organizational session from 19 to 23 April 1993 and the first substantive session from 12 to 30 July 1993. A report on the Conference has been submitted to the Assembly at its current session (A/48/479).

2. International Code of Conduct for Responsible Fishing

112. The concept of responsible fishing introduced at the nineteenth session of the FAO Committee on Fisheries has been acknowledged as a valuable policy and strategic instrument. FAO has an essential role to play in promoting an international agreement on the responsible conduct of fishing over the whole scope of activities. This instrument would include policy and technical guidelines, taking into account all the technical, socio-economic and environmental factors involved.

113. Following the request of the International Conference on Responsible Fishing, held in Cancún, Mexico, in May 1992, FAO, pursuant to the decision of its Council, has started to prepare an International Code of Conduct for Responsible Fishing in consultation with relevant international organizations. The FAO secretariat submitted an outline of the future Code of Conduct to the

Committee on Fisheries in March 1993, according to which the Code would consist of the following six thematic areas: fishing operations, fishery management practices, fair trade practices, aquaculture development, integration of coastal fishing in coastal area management and fishery research.

114. The Code, which would be formulated within the framework of the 1982 United Nations Convention on the Law of the Sea, as well as other appropriate international instruments, would take into account the Declaration of Cancún, Agenda 21 and the outcome of the FAO Technical Consultation on High Seas Fishing, which was held in Rome in September 1992. It was also agreed that the future agreement to promote compliance with international conservation and management measures by fishing vessels, discussed below, would form an integral part of the Code.

3. Flagging of fishing vessels

115. A particular problem which needs attention in high seas fishing is that of fishing vessels "reflagging" to flags of convenience as a means of avoiding compliance with conservation and management measures adopted under international agreements or by national legislation, as well as fair trade practices. Pursuant to the request of the FAO Council in November 1992, the 1993 session of the Committee on Fisheries considered a draft text of an "Agreement on the Flagging of Vessels Fishing on the High Seas to Promote Compliance with Internationally Agreed Conservation and Management Measures", prepared by the FAO secretariat. The negotiations on the draft agreement continued through a working group set up by the Committee, a technical committee established by the FAO Council in June 1993 and informal consultations conducted in July 1993 in New York in parallel to the above-mentioned United Nations Conference. As a result, informal agreement was reached on the text of the Draft Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. The draft agreement was referred to the Committee on Constitutional and Legal Matters in September, and will be submitted to the FAO Council and Conference in November 1993 for a decision on its finalization.

4. Annual Meeting of the International Whaling Commission

116. The forty-fifth Annual Meeting of the International Whaling Commission was held from 10 to 14 May 1993 in Kyoto, Japan. The Commission decided to postpone the consideration of the Revised Management Procedure, which had been developed by the Scientific Committee for the calculation of catch limits for baleen whales. This had the effect of postponing again the lifting of the moratorium on commercial whaling. The Commission agreed that, before the Revised Procedure could be implemented as part of a full Revised Management Scheme, a number of other issues needed to be resolved, including scientific aspects and the development of a fully effective inspection and observation scheme. The Commission further endorsed the "concept of" establishing a whale sanctuary in the Southern Ocean and decided to set up a working group to study various issues relating to such a sanctuary with a view to taking a decision at the 1994 meeting. The Commission also rejected a proposal by Japan for an interim relief allocation of 50 minke whales to be taken by non-commercial coastal

community-based whaling. However, the IWC recognized the needs of the coastal whaling communities and resolved to work to alleviate their distress at next year's meeting. A number of catch limits for aboriginal subsistence whaling were continued for Alaskan Eskimos, native peoples of Chukotka, Greenlanders, and for St. Vincent and the Grenadines. 82/

5. Safety of fishing vessels 83/

117. The Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, is an example of the revision of a convention which was not expected to enter into force. The new Protocol contains special provisions on promoting its early entry into force, and resolutions 1 and 2 of the Conference address such matters as the avoidance of conflicting treaty regimes.

118. The Protocol introduces new Regulations for the Construction and Equipment of Fishing Vessels, covering vessels used commercially for catching living marine resources. The Protocol also provides specifically for port State control, under which Parties shall ensure that non-Parties are not given more favourable treatment.

119. The elements of particular interest for fisheries management concern the size of the vessels involved and the relationship between global and regional standards. A major difficulty for the negotiations was the extent to which the Regulations would apply to fishing vessels of 24 metres or more in length, as opposed to 45 metres and up, since exclusion of the smaller vessels would have the effect of excluding a large part of the world's fishing fleet. This question raised particular concerns, as expressed for example by the International Labour Organization (ILO), 84/ with respect to the conditions for fishermen. The Protocol generally applies to all vessels 24 metres and longer, but with certain exceptions concerning primarily life-saving appliances and arrangements, shipboard communications and navigational equipment, which are applicable only to the larger-size vessels. Application to its smaller vessels will be up to the flag State administration to determine, having regard to their type, size and mode of operation.

120. Resolutions 4 and 5 adopted by the International Conference on Safety of Fishing Vessels, together with the Protocol, call for urgent regional action on the smaller vessels. Considering the opposing views on the question as to whether regional standards can be applied also to the vessels of non-parties to the regional arrangement and the failure to agree on the requirement of IMC approval for such an extension, resolution 5 calls on the relevant IMO bodies to examine with high priority whether and, if so, under which rules and procedures the regional standards may be applied to vessels flying non-participating States' flags and operating in the region concerned.

121. The Government of Japan has been instrumental in initiating consultations for the East Asian region with the goal of developing voluntary guidelines for the smaller vessels, perhaps to be later extended to cover vessels of 12 metres and over, taking account of the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. 85/

C. Regional developments

1. North Pacific

122. The Seventh Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea was held on 29 and 30 June and 1 July 1993 in Tokyo, with China, Japan, the Republic of Korea, Poland, the Russian Federation and the United States participating. The Conference reviewed the interim measures, including the temporary suspension of pollock fishery, on a voluntary basis, in the Bering Sea during 1993 and 1994, and continued to consider a draft agreement for the long-term conservation and management for the pollock resource in the Central Bering Sea, the so-called "doughnut hole". In discussing the threshold to be used in deciding whether fishing for pollock in the Central Bering Sea should be suspended or resumed under the framework of the new agreement, the participants shared the view that 1.67 million metric tons should be used as the threshold. 86/

123. With respect to the fisheries in the high seas enclave in the Okhotsk Sea, five interested States - China, Japan, Poland, the Republic of Korea and the Russian Federation - met for the first time in Moscow on 31 May and 1 June 1993 to discuss problems pertaining to the utilization and conservation of its pollock resources. The meeting established an Ad Hoc Committee for gathering scientific data. Pending the results of the Committee's work, the participants recognized the desirability of taking, on a voluntary basis, interim conservation measures. For that purpose, the Russian Federation proposed a moratorium on pollock fishing in the area and, together with Japan, expressed their intention to continue the temporary suspension of the fishing, while the three other delegations expressed their intention to reduce their fishing efforts for pollock in the area by 25 per cent in comparison with the same period in 1992. The Russian Federation made a special statement on the "total insufficiency of the measures aimed at the partial reduction of fishing efforts" and declared, in that respect, "its intention to take all necessary measures on the basis of the relevant provisions of international law" to promote the conservation of the pollock stock in the Okhotsk Sea. 87/

2. South Pacific

124. An International Conference on Economic and Legal Aspects of Tuna Fisheries Management was held in Manila, Philippines, from 12 to 13 October 1992 under the auspices of the Western Pacific Fisheries Consultative Committee (WPFCC) and the Trans-Pacific Fisheries Consultative Committee (TPFCC). The discussions focused on the following topics: potential application of the Minimum Terms and Conditions and a Regional Register of foreign fishing vessels currently utilized by Pacific Island Nations and Pacific Latin American countries; the status of the Eastern Pacific Tuna Fishing Organization (OAPO), which would be developed within the framework of the Latin American Organization for the Development of Fisheries (OLDEPESCA) and the Permanent Commission for the South Pacific (CPPS); fisheries management policy among ASEAN members; high seas management of tuna and the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; and increased cooperation between the three regional groups of coastal States (Pacific Island States, Latin American States and ASEAN). 88/

125. The Conference adopted the "Manila Principles for High Seas Fisheries Management", which contained: the recognition of existing regional mechanisms, policies and developments as a starting point to address high seas fisheries management issues; the necessity for the flag State and/or any appropriate fisheries organization to collect and disseminate promptly all information relating to high seas fishing activities to all interested parties, including coastal States where the stocks also occur; and the obligation of flag States to assume full responsibility for the activities of their nationals and vessels flying their flags fishing on the high seas, in accordance with articles 116 to 119 of the United Nations Convention on the Law of the Sea. 89/ The Conference also adopted a resolution on minimum terms and conditions of fisheries access. 90/

126. The Ministers for Foreign Relations of the CPPS member States, in a meeting held in Lima in March 1993, ratified the criteria developed in previous meetings of CPPS on the need to regulate the fishing of straddling stocks. The Ministers were concerned that the unregulated exploitation of such stocks by distant water fishing fleets in the areas adjacent to the exclusive economic zones could lead to a depletion of such stocks and the stocks of other associated or related species and of highly migratory species. The Ministers expressed their will to take all necessary actions to protect the rights and interests of the CPPS coastal member States by adopting measures for the conservation and rational management of such stocks. They also invited CPPS to draft as soon as practicable a proposed agreement on shared stocks and highly migratory stocks in the south-eastern Pacific. 91/

127. On 10 May 1993, Australia, Japan and New Zealand signed a Convention for the Conservation of Southern Bluefin Tuna with a view to ensuring, through appropriate management, the conservation and optimum utilization of that tuna species. The Convention establishes a Commission for the Conservation of Southern Bluefin Tuna, which has the power, inter alia, to decide on a total allowable catch (TAC) and its allocation among the Parties. The Convention obliges the Parties to provide the Commission with scientific information, fishing catch and effort statistics and other relevant data. They are also to cooperate in collection and direct exchange of fisheries data, biological samples and other information.

3. North Atlantic

128. In an interesting precedent for conservation of salmon stocks, the United States agreed in August 1993 to buy for two years the commercial salmon fishing rights in Greenland. Under the agreement, Greenland would receive an amount of money for each of the 1993 and 1994 fishing seasons in exchange for surrendering its right to catch 235 tons of salmon a year. However, Greenland's indigenous people would be allowed to maintain a subsistence fishery limited to 13 tons a year, which is not expected to damage stocks. The buyout is intended to help salmon restoration efforts in American rivers. 92/

4. East Atlantic

129. The FAO Fishery Committee for the Eastern Central Atlantic (CECAF) held its twelfth session in Accra, Ghana, in April-May 1992. The Committee recommended an increase in mesh size in the trawl fisheries of north-west Africa for the exploitation of cephalopods and a reduction of effort on mackerels and horse mackerels. Recommendations for a reduction in effort were also made for the coastal demersal fisheries of the Gulf of Guinea and increased mesh sizes for demersal fisheries in the Central Gulf of Guinea. Other recommendations included the attention that should be accorded to integrated coastal management and intensification of cooperative arrangements between CECAF and the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean.

130. A regional Workshop on Monitoring, Control and Surveillance for African States Bordering the Atlantic Ocean was held in Accra, Ghana, in November 1992, at the request of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean. The meeting adopted a set of recommendations, which included the strengthening of subregional and regional cooperation on monitoring, control and surveillance, the need for harmonization of fisheries legislation and management arrangements, as well as the possible establishment of a regional register of fishing vessels. 93/

131. In June-July 1993, a Seminar (Séminaire) was held on the institutional framework of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean at Praia, Cape Verde, with the cooperation of FAO. The Seminar considered a draft protocol relating to the institutional framework of the Conference prepared by the interim secretariat, and adopted two alternative texts of the protocol, one envisaging an international secretariat and the other a secretariat entrusted to a member State or rotating among member States. It has also adopted draft general rules of procedure (Projet de règlement général), draft financial rules (Projet de règlement financier) and a draft headquarters agreement (Projet d'accord de siège). 94/

132. A Regional Maritime Data Bank for the Ministerial Conference is in the process of being established. EEC has indicated its intention to fund the data bank. FAO and the Economic Commission for Africa (ECA) are the cooperating agencies.

133. FAO also continued to cooperate with the Sub-Regional Commission on Fisheries comprising Cape Verde, Guinea, Guinea-Bissau, the Gambia, Mauritania and Senegal by providing expertise to assist in the conduct of their sessions. The Commission is in the process of amending its Convention to make it possible to have a more permanent secretariat with a budget and a system of mandatory contributions.

134. The Scientific, Technical and Research Commission of the Organization of African Unity (OAU) had a meeting of its Inter-African Committee on Oceanography, Sea and Inland Fisheries in Cairo, Egypt, in April 1993, with the active collaboration of FAO. Topics discussed included Inter-African trade in fish and fishery products, conditions of access to fisheries resources in the exclusive economic zones, fishery management needs, and regional collaboration in fisheries.

5. Mediterranean

135. At its twentieth session, held in Malta in July 1993, the General Fisheries Council for the Mediterranean (GFCM) expressed concern with the over-capacity of high seas fisheries for large pelagic species falling under its mandate and stressed the need to undertake strict control of coastal fishery and high seas fleets. The Council submitted a series of suggestions aimed at strengthening its recognized role as the focal point for the management and development in the Mediterranean, including cooperation between member States in the collection and analysis of data and the development of draft principles, based on common minimum standards, for the management of fisheries. 95/

136. The need for strengthening cooperation between the GFCM and other concerned organizations was stressed. A good example is the relationship between the International Commission for the Conservation of Atlantic Tunas (ICCAT) and GFCM in the organization of two joint expert consultations on large pelagic species. It is also foreseen to build up closer collaboration with the International Commission for the Scientific Exploration of the Mediterranean Sea (ICSEM), particularly on the stock assessment to be used for formulating fisheries management measures.

137. On 22 March 1993, a joint ministerial declaration on the institution of a sanctuary for the protection of marine mammals in the Mediterranean was signed in Brussels by France, Italy and Monaco. The declaration takes the form of a statement of principles, which has to be implemented through the adoption of corresponding legislation by the States concerned. It establishes an international marine sanctuary in the area between Corsica (France), Liguria (Italy) and Provence (France, Monaco) for protecting all species of marine mammals. The sanctuary includes the marine internal waters and the territorial seas of the three States, as well as the high seas. The signatories are to proscribe any deliberate catch or harassing of marine mammals in the sanctuary, and all ships are also prohibited from the use of drift-nets for fishing pelagic species. 96/

6. Black Sea

138. Eutrophic processes have led to temporary or permanent anoxia of shelf areas in the Black Sea, and a serious decline in demersal stocks in the 1970s-1980s has been followed by the recent dramatic collapse of the anchovy stock. This was seen as resulting from a combination of eutrophication, uncontrolled fishing, and the action of an exotic predator on fish larvae and their food, the Ctenephorus Mnemiopsis leydei, recently introduced by accident from the Western Atlantic (see also paras. 71 and 72 above).

7. Indian Ocean

139. The draft Agreement for the Establishment of the Indian Ocean Tuna Commission, commented on in last year's report of the Secretary-General (A/47/623, paras. 124-125), was approved formally by the FAO Council in November 1992.

X. OTHER DEVELOPMENTS

A. Piracy and armed robbery

140. Since 1985, more than 400 incidents of piracy and armed robbery have been reported to IMO. The actual number is much higher since many incidents go unreported. The danger is greatest in South-East Asia, in particular in the South China Sea and the Strait of Malacca, but other areas affected include West Africa and the north-east coast of South America. During 1992, attacks were also reported in East Africa and it is acknowledged that many other areas of the world could also be affected in the future. The type of attack appears to vary from area to area. In West Africa, for example, most of the incidents took place while the ships were at anchor or on berth in the territorial sea or in port areas. This was also the case in South America. In South-East Asia, however, many of the incidents have involved ships that were under way on the high seas or in the territorial seas of some littoral States. 97/

141. In response to concerns at the rising number of attacks by pirates and armed robbers against ships and the increasing danger to life and the marine environment caused by such attacks, IMO has recommended various measures to Governments, the most recent of which was the implementation of the recommendations of a Group of Experts on the Malacca Strait Area. Those recommendations are aimed at preventing and suppressing piracy and armed robbery against ships in the Strait and in other areas of the world, and at enhancing safety of navigation and environmental protection when sailing through the Strait. 98/

142. One of the problems that many countries have in dealing with the problem of piracy and armed robbery is the huge maritime space involved and the lack of resources required for countermeasures, such as naval patrols and more effective police action. In the Malacca Strait area, coordinated sea patrol by the security forces of the littoral States concerned was judged by the Group of Experts to be the most significant factor in the reduction of acts of piracy and armed robbery. States whose territorial seas are adjacent are encouraged to develop similar coordination of effort in order to prevent pirates and armed robbers from using maritime borders as protection against countermeasures by security forces. Under the 1992 Agreement between the three Malacca Strait States, hot pursuit by forces of one State chasing criminals across the sea boundaries between the three States is allowed, provided agreement is achieved at the time. 99/

B. Illicit drug trafficking

143. Illicit traffic in narcotic drugs remains a major problem for the international community. New emerging traffic routes have contributed to the deterioration of the situation in many countries with regard to drug abuse and illicit traffic. Some countries are being used as transit States, owing to their geographical position in relation to producer and consumer States, their weak detection capability, limited financial resources and lack of adequate equipment and specialized personnel. The problems that the Governments of transit States have in controlling drug trafficking are exacerbated in island

States and archipelagos, as well as in some countries with long and porous coastlines, where there are particular problems in controlling numerous entry and exit points, in addition to land, water and air approaches. 100/ Those transit States require special assistance to strengthen their capacity to deal with all aspects of the drug traffic.

144. Increasing use is made of maritime vessels to ship illicit drugs from source to consumer countries. Small vessels, pleasure craft, fishing boats and small general cargo vessels provide the most common means for the illicit movement of drugs between countries, as they are subject to fewer controls and reporting requirements than deep-draught commercial vessels. Containers provide a vehicle for moving large quantities of illicit drugs between countries, particularly as unmanifested, well-concealed or falsely declared cargo. Traffickers are taking advantage of established and extensively used commercial routes, including major seaports, where the rapid clearance of commodities is of critical importance. 101/

145. States have been urged to implement the provisions of article 17 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances on illicit traffic by sea, or to take equivalent measures in the case of States that have not ratified the Convention, and to participate in regional cooperation initiatives. 102/

146. The need to ensure that all efforts to suppress illicit traffic by sea are consistent with the international law of the sea, and that there is universal implementation of the articles of the 1988 Convention relating to illicit traffic by sea, has recently been emphasized by the Commission on Narcotic Drugs in its resolution 3 (XXXVI), adopted on 7 April 1993. That resolution provides for the establishment of a working group on maritime cooperation in 1994 to promote universal implementation of the articles of the 1988 Convention relating to illicit traffic by sea, particularly as reflected in article 17 thereof, or equivalent measures in the case of States that have not ratified the Convention, in order to enhance further international cooperation. 103/

147. Efforts have been undertaken within the Expert Group set up by the European Committee on Crime Problems - as steering Committee within the framework of the Council of Europe - to prepare a convention to facilitate implementation of the provisions of article 17, particularly those on procedures to enable flag States to respond quickly and effectively to requests to stop and board vessels suspected of being used for illicit drug traffic. 104/

C. Shipping industry

148. Rapid increase in the number of countries and territories offering open-registry facilities or establishing international or offshore registers with special ship registration conditions available to national and/or foreign shipowners represent an important feature of modern shipping. 105/ More and more countries take or intensify measures to attract ships to their ship registers. In some cases such efforts are largely directed at retaining ships owned by nationals on the register or re-attracting such ships to the national register. The term international registers is becoming increasingly used to refer to registers with registration requirements (in particular in relation to

taxation, registration and annual tonnage fees and the manning of vessels by non-nationals) which are designed both to attract foreign-owned tonnage and re-attract flagged-out ships owned by nationals.

149. A number of countries have already established or are considering establishing second or international registers, for example, the Norwegian and Danish international ship registers have been designed to maintain the national fleet in the respective second registers or re-attract flagged-out vessels. 106/ The United Nations Conference on Trade and Development (UNCTAD) is currently cooperating with the Government of Mexico in exploring the feasibility and convenience in setting up an International Mexican Ship Register in order to attract flagged-out ships of Mexican owners back to the national register. Bolivia, Colombia, Ecuador, Peru and Venezuela, the member States of the Junta del Acuerdo de Cartagena are drafting, with the assistance of UNCTAD, a project for an international registry of ships following recent changes in policy in the subregion directed towards obtaining a complete liberalization of international trade. The purpose of the project is an important step in keeping the existing tonnage within the subregion, giving shipowners competitive facilities equal to other international carriers.

150. The 1986 United Nations Convention on Conditions for Registration of Ships has still failed to attract sufficient acceptance, with only nine ratifications received so far. Some of the provisions of the Convention on bareboat charter registration have been taken into account in the drafting of the International Convention on Maritime Liens and Mortgages, which was adopted by the United Nations/IMO Conference of Plenipotentiaries on 6 May 1993. 107/ There is now an increasing number of States that allow temporary suspension of flag for vessels registered in their registers when they are bareboat chartered out to a foreign charterer and are permitted to fly the flag of the charterer's State and conversely allow that foreign vessels bareboat chartered in by nationals temporarily fly the flags of such States. Article 16 of the new Convention contains provisions relating to temporary change of flag.

151. The objectives of the new Convention are to provide a generally acceptable legal framework governing the recognition and enforcement of maritime liens and mortgages and thus to achieve uniformity, and to strengthen the international position of the mortgagees and financiers of ship-building and ship purchase, thereby improving conditions for ship financing at the international level.

152. Following the twentieth ratification/accession on November 1991, the 1978 United Nations Convention on the Carriage of Goods by Sea ("The Hamburg Rules") entered into force on 1 November 1992. The object of the Convention is to strike a fairer balance between carriers and shippers in the allocation of risks, rights and obligations with regard to liability. The balance of liability is shifted slightly from the shipper to the carrier. The liability of the carrier is based on the principle of "presumed fault", and the defence of, inter alia, negligent navigation does not apply. One of the exceptions to the presumed fault principle, however, is the case where loss, damage or delay resulted from measures to save life or from reasonable measures to save property at sea. Article 98 of the United Nations Convention on the Law of the Sea provides that every State shall require the master of a ship flying its flag to render assistance to any person found at sea in danger of being lost.

XI. THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEABED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

A. Implementation of resolution II of the Third United Nations Conference on the Law of the Sea

153. At the eleventh session of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, the General Committee considered and took note of periodic reports submitted by the certifying States - the People's Republic of China (on behalf of the China Ocean Mineral Resources Research and Development Association (COMRA)), France (on behalf of Institut français de recherche pour l'exploitation de la mer (IFREMER) - Association française d'études et de Recherche des nodules (AFERNOD)), India, Japan (on behalf of Deep Ocean Resources Development Co., Ltd. (DORD)) and the Russian Federation (on behalf of Yuzhmorgeologiya). 108/

154. The General Committee noted the statement contained in the letter dated 25 March 1993 from the coordinator of the group of registered pioneer investors 109/ that account should be taken of the principle of equal treatment and that the principle of non-discrimination should be taken into account in the implementation of the obligations of the registered pioneer investors, as reflected in the relevant documents of the Preparatory Commission. This matter will be further considered at the next meeting of the Preparatory Commission.

155. The General Committee took note of the report of the fourth meeting of the Training Panel, approved the recommendations and designated five candidates selected by the Panel for traineeships under the training programmes offered by India and the Russian Federation. The General Committee also took note of the notes verbales announcing the traineeships under the training programmes offered by China and the Interoceanmetal Joint Organization (IOM) and its certifying States, and the note verbale on the traineeship in chemical engineering offered by India.

156. The General Committee reaffirmed its decision to invite any State member or observer in the Preparatory Commission to submit candidates for the training programme. In the process of the selection of trainees, however, the Training Panel should give priority to candidates presented by States members of the Preparatory Commission.

B. The consideration of the draft provisional reports

157. The Informal Plenary and Special Commissions 1, 2, 3 and 4 each reviewed its draft provisional final report. 110/

158. A revised version of those reports incorporating the amendments made thereon during the eleventh session will be prepared by the Secretariat and will be issued, at the appropriate time, as a consolidated provisional final report of the Preparatory Commission. 111/

C. Future work of the Preparatory Commission

159. The Preparatory Commission decided, in the light of the recommendation of the General Committee, on the future programme of its work: 112/

"(a) Not to hold any more meetings in the course of this year;

"(b) To make provision every year for the United Nations servicing of a two-week annual session of the Preparatory Commission, until the entry into force of the Convention;

"(c) The need for the effective holding of the annual session of the Preparatory Commission will be decided by the Chairman of the Preparatory Commission in consultation with the Chairmen of the Special Commissions, the Chairmen of Regional Groups and interest groups. The Chairman of the Preparatory Commission will also decide, on the basis of such consultations, the precise date for such a meeting;

"(d) The General Committee, acting on behalf of the Preparatory Commission as its executive organ for the implementation of resolution II, will meet for two or three days annually to consider matters related to the implementation of resolution II and to continue the monitoring of the implementation of the obligations of the registered pioneer investors."

It was also understood that, as far as possible, efforts should be made to have the meetings of the General Committee and of the Training Panel coincide with the annual meeting of the Preparatory Commission. 113/

PART TWO

ACTIVITIES OF THE DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

I. INTRODUCTION

160. With the imminent deposit of the final ratification or accession required for entry into force of the Convention, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continues to pursue activities in preparation for that event. The activities follow an integrated approach by the Organization to ocean affairs and the law of the sea aimed at facilitating the implementation of the Convention by States. Programme 10 of the 1992-1997 medium-term plan on Law of the Sea and Ocean Affairs continues to be implemented following the existing subprogramme structure and maintaining the same priorities. With heightened concern and interest among States in connection with the fulfilment of their obligations and the enjoyment of their rights under the Convention, the impetus to implement the Convention in the diverse activities that it encompasses becomes even more critical. These activities include the legal, political, scientific and technical aspects, and now - most importantly - the economic and environmental implications of giving effect to the Convention.

161. Following the mandate agreed upon at UNCED, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened in 1993 under the auspices of the United Nations with central responsibility for its servicing being assigned to the Division. The Conference continues through 1994.

162. While on a parallel front the resolution of difficulties encountered by some industrialized States with respect to Part XI of the Convention are being addressed (see paras. 8-15 above), many States, particularly the developing among them, look to the concurrent fulfilment of their developmental needs in the ocean sector. They seek accommodation through cooperation with the developed States since they need technical and economic assistance to facilitate the realization of the potential benefits flowing from the Convention regime in the exercise of their rights to the economic resources. It is thus that the programme activities of the Division are, at the same time, aimed at providing a response to the request in 1991 by the General Assembly to assist them in carrying out activities in implementing the Convention.

163. An essential component of such activities is devoted to facilitating infrastructure development, training and the gathering of expertise in relation to ocean-related development and integrated coastal and ocean management. This includes the adoption of environmental regulations and the establishment of a viable regime for marine scientific research consistent with the Convention. Support is provided by the Division through planning, participation in, or assistance and contributions to, regional, subregional or even national ocean related activities, conferences and meetings, training courses, seminars and workshops.

II. SERVICING THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEABED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

164. The progress of work in the Preparatory Commission is described in part one of the present report. At its eleventh session in 1993, there were three formal meetings of the Plenary, four meetings of the Plenary as a Working Group on the organs of the International Seabed Authority, and 18 meetings of the four Special Commissions. In accordance with the decision of the Preparatory Commission, the Training Panel held eight meetings during the first week of the eleventh session of the Preparatory Commission.

165. Following the established practice, several working papers were presented by the Secretariat to the Commission and its subsidiary organs. These included the draft final report of the Plenary and an addendum containing the final draft rules of procedure for the organs of the Authority; final draft relationship agreements of the Authority; documents on the Finance Committee and on the administrative arrangements, structure and financial implications of the Authority; the draft provisional report of Special Commission 1 and the draft report of the Preparatory Commission containing recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea.

III. ADVISORY SERVICES

A. Direct advice and assistance to Governments and to intergovernmental organizations

166. In response to the long-standing and continuing request by the General Assembly, over the years, the Secretary-General has mobilized capabilities "to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom" (General Assembly resolution 47/65 of 11 December 1993, para. 14). Such capabilities have been and are being utilized to provide assistance and advice to Governments and intergovernmental organizations in the areas of, inter alia, examining and dealing with the implications of the Convention for individual States or intergovernmental organizations; formulating and/or harmonizing national maritime legislation and requisite rules and regulations to give effect to such legislation; developing and elaborating marine and coastal zone policies, plans and management strategies in an integrated manner; as well as building national and regional institutional and administrative frameworks appropriate for the full realization of benefits under the Convention.

167. In 1993, the Division undertook a number of activities providing advice and assistance in the field of training, described in subsection D below. Other activities of this nature were directed to United Nations organizations and non-governmental organizations, some of which are also reported in subsection D and section IV below.

168. In 1993, at the request of the Government of Jamaica, the Division assisted the Government in the preparation of a pilot project for implementation under the World Bank/IMO Wider Caribbean Initiative for Ship-Generated Wastes project. As part of the Initiative, which seeks to establish a framework that provides the right mix of incentives and disincentives of regulations and market mechanisms for viable long-term solutions to marine pollution in the Wider Caribbean, the pilot project envisaged the provision of technical assistance, studies and training to assess and modify Jamaica's existing legislative and institutional framework for marine waste management, particularly with respect to vessel-source wastes under MARPOL 73/78, for subsequent wider application in the region.

B. Publications

169. On an ongoing basis the Division monitors developments in ocean and coastal affairs in the context of the Convention on the Law of the Sea. Information and data thus collected are essential for the work of the Division and also for the preparation of publications and other information materials, of which those mentioned below were in progress or were completed in 1993.

1. Legislative histories, State practice and conference documents

170. In 1993, two legislative histories of select provisions of the United Nations Convention on the Law of the Sea were completed, with publication expected in the latter part of the year or early in 1994. They are, respectively, on: marine scientific research (article 246), and on artificial islands, installations and structures (articles 60, 80, 174 and 258 to 262). The work on another subject, the conservation and utilization of the living resources in the exclusive economic zone (articles 61 and 62), is also in progress for publication in 1994.

171. With regard to State practice, a compilation of national legislation on the exclusive economic zone was published in 1993. 114/

172. Near completion in 1993 is a volume providing a comprehensive review of the impact of the Convention on the Law of the Sea during the 10-year period since its adoption in 1982. This tenth anniversary commemorative volume draws upon the contributions provided by experts who participated in a meeting convened by the Division on this matter in 1992.

173. In another series, the compilation of the documents of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, as well as related press releases and a cumulative index from its first session in 1983 through its eighth session in 1990, volume I of which covers the first session in 1983 and was published in 1991. 115/ Volume II was published in 1993 and volume III will be issued in 1994, with six additional volumes expected in the 1994-1995 biennium.

174. Separate from but complementary to the above, a compendium of the official documentation of the Drafting Committee of the Third United Nations Conference on the Law of the Sea is intended to provide a better understanding of the

various provisions of the Convention and their historical evolution. Now near completion, the compendium will be published in 1994.

2. Handbooks

175. In March 1993, the Division convened a meeting of a Group of Experts on the Definition of the Continental Shelf to examine the technical issues related to the definition of the continental shelf as provided for in article 76 of the Convention on the Law of the Sea. On the basis of the results of the meeting - which brought together 14 experts in such fields as geology, hydrography and geophysics from developing and developed countries - a handbook has been prepared and is scheduled to be published by the United Nations before the end of the year. As in the case of previous publications of this type - handbooks on baselines and marine scientific research - the new handbook is intended to assist States in understanding some highly technical provisions of the Convention on the Law of the Sea. The forthcoming handbook will also support the work of the Commission on the Limits of the Continental Shelf, which is to be established after the entry into force of the Convention.

3. Annual reviews

176. The Annual Review of Ocean Affairs: Law and Policy, Main Documents uses selected documentary materials from international organizations to depict main developments and trends, at the same time facilitating access to the large and diverse body of international documentation in ocean affairs. Because of the numerous subjects and issues which constitute ocean affairs, the ever increasing activity at the global and regional levels and the great volume of documentation which that generates, this publication focuses on the main points of interest to the international community during the year covered. A volume of the Annual Review was published in 1993 116/ and another will follow early in 1994.

4. Bulletins, bibliographies, booklets and information circulars

177. Further issues of the Law of the Sea Bulletin (Nos. 22, 23 and 24) were published and distributed in 1993. More than 2,500 copies in English, and approximately 1,000 copies each in French and Spanish of every issue, have been circulated in 1993. The Bulletin provides Governments with the most recent legal material relevant to the law of the sea, including, in particular, national legislation, bilateral agreements and multilateral treaties, as well as information on decisions of the International Court of Justice, arbitral tribunals or other dispute settlement procedures. It also gives periodic updates on the status of the Convention. Bulletin No. 23 contains an updated table of claims by coastal States to various maritime zones. Every year, one issue of the Bulletin contains a special chapter devoted to the annual work of the Preparatory Commission (No. 23 for 1993). Also in 1993, a Reference Guide to Law of the Sea Bulletins, Nos. 1 to 22 (1983-1992) was issued.

178. Continuing the annual compilation of bibliography on law of the sea and ocean affairs, the Division published in 1993 the eighth volume in this series entitled The Law of the Sea: A Select Bibliography - 1992. 117/

179. Also issued in 1993 is a publication entitled Bibliography on the Law of the Sea (1968-1988): Two Decades of Law-making, State Practice and Doctrine (Multilingual Supplement). 118/ This is a supplement to the English/French bilingual volume which was published in 1991. The original language citations in this multilingual supplement are contained in six separate, self-contained parts in Arabic, Chinese, German, Italian, Russian and Spanish.

180. Scheduled for publication before the end of the year, a French/English bilingual booklet entitled Law and Order in the Oceans/L'ordre juridique sur les mers et les océans highlights the significance of the Convention on the Law of the Sea and its major provisions. Aimed at the general public, the booklet contains explanatory and educational narrative, accompanied by illustrative graphs and photographs.

181. The Division continues to circulate periodically in the form of an internal newsletter to other offices and departments of the United Nations current and up-to-date information on national and international developments relating to the law of the sea and ocean affairs.

C. Fellowships

182. The activities of the Division aimed at promoting greater appreciation and wider knowledge of the law of the sea and its application have continued, inter alia, with the implementation of the Hamilton Shirley Amerasinghe Memorial Fellowship programme on the law of the sea. The seventh annual award was made in 1992 to Mrs. Poungthong Onoora of the Ministry for Agriculture and Cooperatives of Thailand. Thus far the awards have been made to nationals of Chile, Croatia, Nepal, Trinidad and Tobago, Sao Tome and Principe and the United Republic of Tanzania, in addition to Thailand.

183. The annual award, which attracts a large number of applications and nominations, provides for chosen fellows to pursue postgraduate level research and training in the field of the law of the sea and related marine affairs at participating institutions for higher education. An internship period of three months is additionally provided in the Division.

184. The award is made on the basis of a review of candidates by an Advisory Panel composed of eight eminent persons in international affairs, the law of the sea and related fields. Noting the high standard of applicants and considering that the funds available were only adequate to provide one fellowship this year with no further funding being available from this source, the Chairman of the Panel, Professor John Norton Moore, Director of the Center for Oceans Law and Policy, University of Virginia School of Law, suggested exploring the possibility of finding accommodation for some of these candidates by matching their interests and academic pursuits with the universities participating under the programme and other institutions, conditional upon external funding. In seeking alternative funding sources, attention was drawn to the fact that, inasmuch as the opportunity to pursue graduate studies or research with an institution would benefit the candidates and their countries, likewise the universities would benefit from the global diversity and regional specialization of the candidates.

D. Training

1. Joint programme with UNDP on Agenda 21

185. The Division for Ocean Affairs and the Law of the Sea and the Division for Global and Interregional Programmes of UNDP convened a Consultative Meeting on Training in Integrated Management of Coastal and Marine Areas for Sustainable Development from 21 to 23 June 1993 in Sassari, Sardinia, Italy. The United Nations University (UNU) provided the local facilities and logistic support at the University of Sassari/Consorzio Ricerche Sardegna. Participating in the Meeting were 15 officials representing most of the United Nations organizations that had contributed to the drafting of Agenda 21 of UNCED, as well as 12 representatives of non-United Nations international and national organizations, all having particular interests and expertise in the field of training. The goals of the Meeting were: (a) to contribute to a better understanding of the training needs and requirements involved in the process of integrated management of coastal and marine areas; (b) to establish, through the preparation of an Action Plan on Training, a specific programme in order to assist countries in their capacity-building and institutional strengthening efforts; and (c) to facilitate the coordination of external support agencies.

186. The discussions and the resulting recommendations led to the development of an outline of the Draft Action Plan for Human Resources Development and Capacity-Building for the Planning and Management of Coastal and Marine Areas, covering four major areas, namely, (a) development of human resources; (b) institution-building for training; (c) types of training programmes to be developed or adapted; and (d) mechanisms for implementation. The report of the Meeting, including the recommendations and a summary of the Draft Action Plan, will be presented for comments at the International Conference on Coastal Zone Management in November 1993.

187. With regard to future work, it was agreed that, as an interim measure, the Division, UNDP and UNU would continue, on an informal basis, to collaborate in the follow-up of the Consultative Meeting.

2. Assistance in training

188. In 1993, the Division provided technical assistance to the International Ocean Institute in the design and preparation of an Advanced Course on the Integrated Management of Coastal and Ocean Areas, to be implemented at its new regional centres located in Colombia, Fiji, India and Senegal.

189. In 1993, the Fisheries and Marine Institute of the Memorial University of Newfoundland (Marine Institute), Canada, requested the assistance of the Division in the preparation of an ocean and coastal development simulation exercise. The project is currently under discussion.

190. Since the mid-1980s, the Division has provided technical assistance to a number of countries/institutions in the design and implementation of training courses in the management of exclusive economic zones. Currently, at the request of the Government of Brazil, the Division is involved in the preparatory phase of a training course on Integrated Management of Coastal and Marine Areas,

which will be implemented early in 1994 jointly with the Oceanographic Institute of the University of Sao Paulo. This is a new prototype course, designed by the Division and adapted to the specific needs of Brazil.

191. In 1994, the Division will publish a simulation exercise on sea-use planning and management for wider use by educational and training institutions. The simulation was originally developed for use at the World Maritime University.

E. Law of the Sea Information System and Library

1. Law of the Sea Information System (LOSIS)

192. The computerized Law of the Sea Information System (LOSIS) is composed of a group of databases, each containing information relating to the different aspects of the law of the sea. These are currently being supplemented by the collection of additional marine-related data. LOSIS continues to serve as a source of information and data within the Secretariat and to respond to requests from agencies, national Governments and other bodies, including those related to the follow-up of UNCED, for example, the Global Conference on Sustainable Development of Small Island Developing States.

193. Recent changes in the membership of the United Nations have necessitated extensive revisions and updating of information in MARPRO (Country Marine Profile Database) and LEGISLAT (National Marine Legislation Database). These efforts are being undertaken by the Division.

194. A project is under way to allow LOSIS to access extracts of the texts of marine-related national legislation which are held by the Division. This component will allow for "keyword" or "concept" searches across and within legislation of a country or countries.

195. The POLYDAT database (Polymetallic Nodule Deposits Database), mandated by the Preparatory Commission (A/47/623, para. 203), is being established as a geological database on the International Seabed Authority's reserved areas in the north-east Pacific Ocean and in the central Indian Ocean. It is being developed using the resource related data (oceanic features, nodule abundance, metal content, bathymetry etc.) submitted by the registered pioneer investors during registration and subsequent data that will be submitted as part of the fulfilment of their obligations. The database will facilitate automated processing of data required for resource delineation in the Authority's reserved areas.

196. The Library Bibliographic Information System (LIBRIS) has been expanded to include the holdings at the Division's reference library in Kingston, Jamaica. The additional capability has been added with the CD-ROM version of the Aquatic Sciences and Fisheries Abstracts (ASFA). Citations and abstracts for the period from 1982 to the present are now easily accessible within the Division. The system allows for user-friendly multilevel searches by author, subject and geographic area and for on-screen review or printout of an entire search or subset thereof. An evaluation of the implications of migrating components of LOSIS to a similarly user-friendly software programme is being undertaken.

2. Law of the Sea Library

197. The specialized Law of the Sea Library and Reference Collection of the Division for Ocean Affairs and the Law of the Sea continues to serve Member States, Permanent Missions to the United Nations, Secretariat staff and researchers interested in all aspects of the United Nations Convention on the Law of the Sea and its related field of marine affairs. The library also provides reference materials for consultation in relation to the implementation of the Division's work programme. The library's computerized information system is described above.

198. The Division's reference library in Kingston, maintained by a full-time librarian at the site and designed primarily to facilitate the servicing of meetings of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, is now made accessible to external users from the University of the West Indies, legal practitioners and coastal/ocean affairs specialists and government personnel.

IV. COOPERATION WITHIN THE UNITED NATIONS SYSTEM

199. Pursuant to the request of the General Assembly, repeated in its resolution 47/65 of 11 December 1992, the Division for Ocean Affairs and the Law of the Sea has continued its close cooperation with and assistance to United Nations agencies and other bodies within the United Nations system.

200. The Division enjoys a close working relationship with IMO and provides interpretations of the United Nations Convention on the Law of the Sea whenever called upon. During the past year, at the request of its Legal Committee, IMO asked the Division to study, in the context of the Torremolinos Protocol, the applicability of uniform regional standards to fishing vessels which are entitled to fly the flag of States not bound by such standards and operating in the region concerned. The Legal Committee felt that "law of the sea issues" were involved in this matter (see para. 120 above).

201. With its co-sponsorship of the joint UN/FAO/IOC Aquatic Sciences and Fisheries Information System (ASFIS), the Division continued to support the maintenance and further development of ASFA, which is an inter-agency bibliographical information service and the major information module of ASFIS. In its capacity as an international ASFA input centre, the Division monitors documents and publications relating to the law of the sea and other marine-related activities from which abstracts and bibliographical data are prepared for inclusion in the ASFA computer-searchable database and CD-ROM and the corresponding ASFA monthly journals.

202. At its meeting in 1993, the ASFA Advisory Board, consisting of four United Nations organizations (United Nations, IOC, FAO and UNEP), national partners and the ASFA publisher addressed a number of issues related to enhancing the effectiveness of ASFA and its usefulness to the user community. These included reviewing and amending the structure and functions of the secretariat of the Board, which the Board reaffirmed should continue to be provided by FAO; strengthening the Board's decision-making capability; strengthening the

structure of the ASFA input system; and increasing access by developing countries to ASFA products.

203. The Division continued its co-sponsorship, together with IOC, of a joint Programme on Ocean Science in Relation to Non-Living Resources initiated by IOC in the early 1980s. The programme has five main objectives: assessment of the mineral and energy resources of the sea-floor and the coastal zone; environmental evaluation of sound development and utilization of those resources; conservation of the marine environment through study of sediments and sedimentary processes and assessment of natural and man-induced changes affecting the sea-floor and the coastal zone; strengthening of cooperation in marine geoscience and related research; and provision of training to improve the marine scientific research capabilities of all coastal States. The Programme's priority project areas address coastal change, continental margin environment and mineral resources, and deep-sea processes and mineral resources.

Notes

1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2/ A table of claims to maritime zones, periodically updated, is available from the Division for Ocean Affairs and the Law of the Sea. The latest table was published in the Law of the Sea Bulletin, No. 23 (June 1993).

3/ The new coastal States included in this tabulation are Bosnia and Herzegovina, Croatia, Estonia, Georgia, Latvia, Lithuania and Slovenia, for three of which the Secretariat has obtained copies of legislation.

4/ The texts of the recent legislation of Brazil, Qatar, Sweden and Thailand, cited in this subsection, are reproduced in the Law of the Sea Bulletin No. 23 (June 1993). The texts of legislation of Bahrain, Brunei Darussalam, Cyprus, the Islamic Republic of Iran and the United Kingdom of Great Britain and Northern Ireland (South Georgia and South Sandwich Islands, and the islands of Pitcairn, Henderson, Ducie and Oeno) are to be reproduced in ibid., No. 24 (to be issued in 1993). Information on the legislation of the United Arab Emirates can be found in the Jordan Times (13 July 1993).

5/ Proclamation (Maritime Zone) No. 1 of 1993, paras. 1 and 3.

6/ See document TD/B/LDC/AC.1/3 dated 25 May 1993.

7/ International Court of Justice, Communiqué, No. 93/14 (14 June 1993).

8/ Boundary and Security Bulletin, vol. 1, No. 2 (July 1993), pp. 3 and 5.

9/ Le Monde, 1 June 1993.

10/ Ibid., 10 September 1993.

11/ The long-standing instruction - that work on new or revised conventions should only be undertaken when there is a clear and well-documented need and that account be taken of the costs to industry and the burden on member States (IMO Assembly resolution A.500(XII) of 20 November 1981) - has been supplemented by the Council's recommendation that States making such proposals should also undertake cost analyses. The Council has also concluded that IMO should not regulate areas where self-regulation by industry is more appropriate.

12/ The revised Programme targets the different government departments responsible for ship registration, surveys and inspections, meteorological services, pilotage and hydrography. It also addresses shipping companies, fishing and offshore industries, ports and training centres. The revision was based on the IMO 1992 study entitled Development of Human Resources in the Maritime Field 1992-2000.

13/ Other conventions not yet in force include the 1989 Salvage Convention, the Harmonized System of Survey and Certification (through 1988 Protocols amending SOLAS and Load Line Conventions), and 1992 Protocols amending the regime for civil liability and compensation for oil damage.

14/ See IMO document MSC 62/25/Add.1, annexes 20 and 21.

15/ The 378 deficiency reports submitted to IMO in the last period came from only 16 countries, the majority of them members of the Paris Memorandum on Port State Control (Paris MOU); and of the 1,477 reports requested on serious casualties, only 804 have been received. Information and charts on casualties, prepared from information derived from Lloyd's Register, are contained in IMO News, No. 4, 1992, p. 3.

16/ See IMO document MSC 62/25/Add.1, annex 23. The Code will replace the earlier decision in resolution A.680(17). It requires, inter alia, that the owner provide full details to the Government of the flag State in cases also where another entity is responsible for the operation of the ship.

17/ For example, the International Chamber of Shipping. See IMO document NAV 39/3/18.

18/ IMO document MSC 62/25/Add.1, annex 24.

19/ MARPOL 73/78, annexes I and II are accepted by 79 States covering 90.6 per cent of world merchant tonnage. Acceptance of the Optional Annexes is as follows: annex III (56 States), annex IV (47 States), annex V (61 States), covering 55.6 per cent, 38.42 per cent and 65.36 per cent respectively; annexes III and V are in force; some 11.6 per cent additional tonnage is required for entry into force of annex IV.

20/ With Canada, the Paris MOU will have 16 members. Total inspections are now approaching 15,000 a year, with nearly 600 delays or detentions. Figures show an upward trend since 1989. The MOU countries also cooperate with the maritime authorities of the United States, the Russian Federation, Croatia and Japan. IMO has stressed the importance of incorporating ILO Convention No. 147 on conditions for seafarers in all regional arrangements. It is already reflected in the Paris MOU.

21/ The 10 States Parties to the agreement are to inspect 15 per cent of foreign-flag ships for compliance with the main IMO Conventions within three years. The secretariat is located in Buenos Aires. Paris MOU countries are providing technical assistance.

22/ This has been submitted to IMO under the symbol MEPC 34/INF.10. The communication follows the White Paper on "The future development of the Common Transport Policy", adopted by the Commission on 8 December 1992, following which the Council adopted a Directive establishing minimum reporting requirements on shippers, ship operators and masters for vessels using community ports and carrying dangerous or polluting goods.

23/ It applies especially to tankers over five years old. More stringent inspections are also requested for bulk carriers. See IMO document MSC 62/25/Add.2, annex 26.

24/ The 1992 requirements for existing roll on-roll off passenger ferries and passenger ships will also mean that many older vessels will have to be scrapped because of the high costs of conversion.

25/ See IMO document MSC 62/25/Add.2, annex 32.

26/ See IMO document MSC 62/25/Add.2, annex 33. Traffic of tankers and ships carrying dangerous chemicals has increased by 40 per cent since 1985 in spite of IMO recommendations. Turkey has also informed IMO of its plans for a TSS in the Turkish Straits, urging compulsory use of pilotage. See IMO document MSC 62/INF.10.

27/ An International Hydrographic Organization (IHO) survey showed a large unsurveyed area in the centre of the South China Sea which effectively blocks the direct route through the Sea in all directions. It has been seeking to develop a South China Sea Project to build national capacities in the area.

28/ See Maritime Safety Committee report of its sixty-second session (IMO documents MSC 62/25 and MSC 62/WP.18/Add.1, annex 2) for the future work programme. Work will also proceed on specific reporting criteria applicable to Vessel Traffic Services (VTS), including requirements beyond VTS coverage for certain classes of ships.

29/ See IMO document MSC 62/2 for outcome of Legal Committee discussions. The Legal Committee may have to revert to the subject at a later point. The Commission of the European Communities in document COM (93) 66 Final, circulated under MEPC 34/INF.10, has set forth its views on the effect of the relevant provisions of the Convention on the Law of the Sea. It proposed, considering the ambiguities concerning transiting ships (not bound for port), that IMO should establish beyond doubt the right of coastal States to apply mandatory reporting obligations to ships in transit in the exclusive economic zone and in straits used for international navigation.

30/ Antarctica is now a Special Area under MARPOL 73/78 with respect to oil (Annex I), hazardous substances in bulk (Annex II), and garbage (Annex V). It has been agreed that the proposal to change the 40 degree S latitude to encompass the ecosystem recognized by the 1980 Convention on the Conservation of

Antarctic Marine Living Resources (CCAMLR) will be taken into account in future amendments of these Annexes.

31/ See IMO document NAV.39/INF.11 (by Singapore).

32/ See IMO document MEPC 34/14/4. IMO has also developed a strategy on ship/port interface (MSC 62/25/Add.2, annex 35).

33/ The IMO Legal Committee has decided to postpone the drafting of a convention on liability for damage from hazardous and noxious substances to give equal priority to the revision of the 1976 Convention on Liability for Maritime Claims.

34/ In the North Sea, under the Bonn Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil, experience gained in the use of remote sensing techniques for monitoring oil discharges has been compiled in an "Aerial Surveillance Handbook". Currently under preparation is a "Manual on Evidence in Court" to assist judicial authorities in prosecuting illegal discharges.

35/ See IMO document MEPC 34/INF.24. A code of practice on the use of dispersants has also been prepared for the Mediterranean.

36/ See IMO document MSC 62/25/Add.1, annex 22. The Code was prepared by a joint IAEA/IMO/UNEP working group, whose reports are in MSC 62/12 and MSC 62/INF.17. UNEP's participation in the group and the need to expand the earlier work to cover also plutonium and high level waste was urged also by regional bodies in the South Pacific and the Caribbean. The South Pacific Forum has welcomed the Code as a positive step; it has also requested Japan to consult Forum countries fully on plutonium shipments and provide information on its programme on plutonium use. Both the South Pacific and the Caribbean regions are expected to develop regional agreements, covering particularly emergency response.

37/ See IMO document MEPC 34/INF.27 for the report initiated by the Commission of the European Communities. See MSC 62/23/5 for the Report of the Salvage Working Group, a joint industry body comprising shipowners, insurers, salvors, IMO and other interested parties.

38/ See IMO document LEG 69/10/1 prepared by several European Governments. It should be noted that the 1992 amendments to the 1969 Civil Liability Convention and the 1971 Fund Convention on Oil Pollution Damage (incorporating most of the provisions of the 1984 amendments) extend also to the exclusive economic zone and that expenses incurred for preventive measures are recoverable even when no oil spill results from an incident.

39/ OPRC requires that offshore platforms have oil pollution emergency plans. MARPOL 73/78 has been interpreted as not applying to discharges arising from offshore seabed activities, but only to garbage under its Annex V. Proposals are now being submitted that would have the effect of applying appropriate provisions of Annex I of MARPOL 73/78 to floating production, storage and offloading facilities, in addition to oil tankers (see, for example, IMO document MEPC 34/INF.11). The numbers and locations of such facilities are given in MEPC 34/7/9, annex. London Convention Contracting Parties will take up

the question of dumping from offshore facilities within their Long-Term Strategy.

40/ Industry standards are mostly developed by the International Standards Organization. IMO held a special meeting in April 1993 on "Safety and related issues pertaining to work on offshore petroleum installations".

41/ See 1993 GESAMP study on "Impact of oil and related chemicals and wastes on the marine environment" (GESAMP Reports and Studies No. 50 (1993)). GESAMP is an advisory body consisting of specialized experts nominated by the Sponsoring Agencies, i.e., IMO, FAO, UNESCO, WMO, WHO, IAEA, United Nations and UNEP. See also note 64 below and accompanying text.

42/ An IMO Manual on Reception Facilities is nearing completion.

43/ Decision I/5 of the First Meeting of States Parties to the Basel Convention created a working group to prepare a protocol on liability and compensation, which might include an international compensation fund. Previous work produced agreement on having a strict liability regime. The present draft (UNEP/CHW.1/5) excludes from application those incidents which would be covered by maritime instruments, including those on ocean dumping. Among the issues yet to be dealt with is the relationship between the protocol and regional agreements on transboundary waste movement. The number of such agreements is increasing: the Black Sea is scheduled to adopt a convention by 1994 and the South Pacific by 1995; similar action is under discussion in the Caribbean and drafting has commenced on protocols for the Mediterranean and the South-East Pacific. Most regional instruments, like the Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, adopted at Bamako, Mali, in January 1991, are likely to include a ban on the import of wastes into the region.

44/ IMO guidelines presently assist port States to determine the capacity required, as derived from estimated volumes of waste generated by different types of ships.

45/ A $5.5 million GEF-funded project will develop garbage reception facilities in the Caribbean. A 1993 IMO/World Bank Workshop on the Wider Caribbean Initiative for Ship-Generated Waste targets wider implementation of MARPOL 73/78 since to date only 40 per cent of countries in the region have ratified the Convention. Under the Global Investigation of Pollution in the Marine Environment (GIPME), the concerned organizations are working to develop a regional network to monitor marine debris, which will yield important information for implementation of the status of the Caribbean as a Special Area under MARPOL 73/78, Annex V. The European Community is also funding the construction of floating reception facilities in Mediterranean ports.

46/ See IMO document MEPC 34/6, annex 3.

47/ See the 1990 study of financing mechanisms (IMO document MEPC 30/INF.32).

48/ GESAMP has established a new working group to assess the situation.

49/ See IMO document MEPC 34/17.

50/ See IMO document A 18/13, annex. The IMO Assembly is to formally endorse the 1991 Guidelines. Agenda 21 had called on IMO to consider adopting appropriate rules on the problem.

51/ See IMO document LC/AM 1/9.

52/ The 14th Consultative Meeting had agreed that abandoned platforms (left at site) would be considered as "dumped" under the terms of the Convention; however, there was no similar agreement on the status of abandoned pipelines, because of arguments that pipelines and structures were treated differently in the Convention on the Law of the Sea.

53/ The Basel and London Conventions are complementary, although it may be noted that the latter's definition of "waste and other matter" is broader.

54/ It may be noted that, in the draft Basel Protocol, an area under national jurisdiction is defined to mean "any marine area within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to protection of the environment" (UNEP/CHW.1/5). As concerns sovereign immunity, under the London Convention's review process and elsewhere, an increasing number of States, including maritime Powers, are emphasizing that States cannot use or construe the provision of the Convention on the Law of the Sea on sovereign immunity to avoid the responsibility to protect the marine environment. Article 236 of the latter Convention requires flag States to ensure that those vessels which enjoy sovereign immunity act in a manner consistent with its provisions "so far as is reasonable and practicable", without impairing their operations or operational capabilities.

55/ The Global Waste Survey is presently financed by Canada, China, Japan, Netherlands, the Nordic Council of Ministers, the United Kingdom and the United States. Industry inputs are coordinated by the International Environment Bureau. For present status, see IMO document LC/AM 1/9, annex 2.

56/ See IMO document LC/IGPRAD 6/5.

57/ The Laboratory's programme also includes a Black Sea pollution trace study, contributions to the Helsinki Commission's Group monitoring radioactive substances in the Baltic Sea, and a regional Asian project on the use of nuclear techniques to assess the source and impacts of contaminants in the marine environment.

58/ The programme forms part of the Arctic Environment Protection Strategy (1991), under which the eight Governments are presently cataloguing risks from a broad spectrum of activities and identifying gaps in coverage of international instruments. See IMO document MEPC 34/INF.28.

59/ See IMO document LC/IGPRAD 6/INF.3. Reports of similar illegal dumping in the North-West Pacific off Vladivostock have been confirmed. There is continuing concern also as to munitions dumping in the eastern Baltic: the European Parliament has now called on the European Community, Baltic Governments and others to launch a joint naval action to salvage the chemical warfare agents

and to dispose of them "making no allowance for military secrets" (Resolution A-3-0301/92 of the European Parliament on Measures to Regenerate and Prevent the Pollution of the Baltic, 19 January 1993).

60/ See Report of the Second Meeting of the Inter-Agency Committee on Sustainable Development (ACC/1993/24). Coordination requirements with respect to the sustainable development of small islands (Programme G of Chapter 17) will be determined in the light of the outcome of the Conference in 1994. Members of the Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO) (which now includes UNEP) will re-examine that mechanism following ACC action on the new Subcommittee.

61/ IACSD has agreed on the functions of "task managers" for the implementation of Agenda 21 generally. These concern information exchange, inter-agency contact, promotion of joint activities and programmes, development of common strategies and preparation of system-wide reports.

62/ These cover Chapters 9, 19 and 22 of Agenda 21 (atmosphere, toxic wastes and radioactive wastes) as well as Chapter 17. See IMO document MEPC 34/6 and 34/INF.6. The implications of Agenda 21 provisions on international chemical safety for the harmonization of international regulations on hazardous/dangerous chemicals with IMO regulations on ship transport are discussed in IMO document A 18/11/Add.2. The United Nations Committee of Experts on the Transport of Dangerous Goods has expressed concerns similar to IMO (see E/1993/57).

63/ See IOC Assembly resolution XVII-18. The draft Plan is contained in IOC-XVII/8, annex 1.

64/ The current activities of GESAMP concern hazard evaluations of substances carried by ships; sedimentation in the coastal environment; coastal aquaculture; indicators of the health of marine ecosystems; the sea-surface microlayer; the problem of invasive species in the Black Sea; and optimum design for the conduct of marine environmental assessments. The Group continues to express its concerns over the global occurrence of marine toxic blooms; land-based sources of oils; impacts of coastal development in tropical and sub-tropical regions; and the state of understanding as to pollutant action at oceanic interfaces.

65/ See UNEP/GC.17/28 for the Policy Statement of the Executive Director.

66/ UNEP has also been asked to re-assess the linkage between ACC and the Designated Officials for Environmental Matters (DOEM) and to make proposals on system-wide environmental cooperation. See UNEP/GC.17/12/Add.1.

67/ Declaration of 30 April 1993 by the Ministers of the Environment of the region of the United Nations Economic Commission for Europe and the Member of the Commission of the European Communities responsible for the Environment, adopted at the Conference "Environment for Europe", held at Luzern, Switzerland, from 28 to 30 April 1993.

68/ See the resolution of the European Parliament cited in note 59.

69/ A number of areas targeted for the development of coastal area management programmes are also being used to develop the methodology for Vulnerability Assessment in the context of global climate change. UNEP has completed nine of the 11 regional overviews of the possible impacts of climate change and established global task teams on coral reefs and mangroves.

70/ See A/CONF.167/PC/7 and 8.

71/ FAO document COFI/93/4.

72/ Ibid., paras. 5 and 9.

73/ Ibid., paras. 14 and 16.

74/ Ibid., para. 18.

75/ Ibid., para. 10.

76/ Ibid., para. 11.

77/ Ibid., para. 13.

78/ Ibid., para. 26.

79/ Report of the Twentieth Session of the Committee on Fisheries, Rome, 15-19 March 1993, submitted to the FAO Council, 103rd Session, para. 44.

80/ Ibid., para. 38.

81/ Ibid., paras. 40-41.

82/ International Whaling Commission, Final Press Release, 14 May 1993.

83/ An analysis of serious casualties to fishing vessels in the decade 1982-1991 is given in IMO document FSI 2/INF.4.

84/ See IMO document SPV-P/CONF/16.

85/ See IMO document SPV-P/CONF/30.

86/ Joint Press Release of the Conference, 1 July 1993.

87/ A/CONF.164/INF/6.

88/ South Pacific Commission, Fisheries Newsletter, No. 64, January-March 1993, pp. 17 and 18.

89/ Text transmitted to the Secretariat by the Director of the Trans-Pacific Fisheries Consultative Committee by letter of 11 March 1993.

90/ Ibid.

91/ Statement by the Secretary-General of the Permanent Commission for the South Pacific (CPPS) at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 19 July 1993.

92/ The New York Times, 2 August 1993.

93/ Report of a Regional Workshop on Monitoring, Control and Surveillance for African States Bordering the Atlantic Ocean, Accra, Ghana, 2-5 November 1992 (FAO, 1992), pp. 13-14.

94/ Seminar on the institutional framework of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, Praia, Cape Verde, 28 June-1 July 1993. Report.

95/ Statement by the Representative of FAO at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 14 July 1993.

96/ T. Scovazzi, "The Declaration on a Sanctuary for the Protection of Marine Mammals in the Mediterranean" ICCOPS Newsletter, No. 1 (July 1993), p. 9.

97/ See IMO document MSC 62/15/Add.1 and the Report of the Working Group on the Malacca Strait Area (document MSC 62/INF.3). The Hong Kong Maritime Rescue Coordination Centre has received reports of 36 piracy attacks on merchant ships in the South China Sea and adjacent waters. In 10 of the incidents, the pirates used unmarked official vessels or private vessels masquerading as officials. There was an increased risk of collision in the area due to many small vessels manoeuvring close to large merchant ships under way. See IMO documents MSC 62/15/2 and MSC 62/25. The Philippine Coast Guard has recorded eight piracy incidents within the territorial boundaries of the Philippines from January 1991 to March 1993. See IMO document MSC 63/17/1.

98/ See Report of the Maritime Safety Committee on the Sixty-second Session (IMO document MSC 62/25), para. 15.15. For the recommendations of the Working Group, see IMO document MSC 62/INF.3, p. 67.

99/ See IMO document MSC 62/INF.3, pp. 24-25.

100/ In the South-Pacific region, some islands, many of which are uninhabited, are increasingly used as transit points for heroin from South-East Asia (E/CN.7/1993/CRP.6, para. 46). The Azores, the Canary Islands, Cape Verde and Madeira Island are frequently used as supply, refuelling or transshipment points for vessels transporting bulk shipments from source countries to Europe. See generally the report of the Second Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Europe (E/CN.7/1993/CRP.10, paras. 4 and 19), report of the 17th Meeting of HONLEA, Asia and the Pacific (E/CN.7/1993/CRP.6, para. 28) and the report of the Commission on Narcotic Drugs (E/1993/29-E/CN.7/1993/12, para. 16).

101/ See E/CN.7/1993/CRP.6, para. 41; E/CN.7/1993/CRP.10, para. 19; and E/1993/29-E/CN.7/1993/12, para. 21.

102/ It was reported at the Fifth Meeting of HONLEA, Latin America and the Caribbean, that the provisions of article 17 were being fully implemented in Argentina, Chile, Ecuador, France, Honduras, Italy, the United Kingdom and the United States. However, several countries do not have legislation to make illicit traffic at sea a criminal offence. Specific measures to further regional cooperation against illicit drug traffic by vessels, particularly on the high seas, were adopted by the 17th Meeting of HONLEA, Asia and the Pacific (November 1992), the Second Meeting of HONLEA, Europe (February 1993), and the Sixth Meeting of HONLEA, Africa (May 1993) (A/48/286, para. 125).

103/ See E/1993/29-E/CN.7/1993/12. To be issued in final form as Official Records of the Economic and Social Council, 1993, Supplement No. 9 (E/1993/29).

104/ Ibid., para. 155. The Group, which met several times in 1992 and 1993, is expected to complete its work by November 1993. The draft convention/implementation agreement will then be forwarded to the Committee of Ministers, which will examine the text at its plenary meeting in June 1994 with a view to adopting it in October 1994.

105/ Several States which had previously opposed the open-registry system have reconsidered their attitude towards open and international registers. Guided by different economic or political reasons, their shipping or ship-managing companies have started and are intensifying employment of open-registry systems, e.g., AKP Sovcomflot (former USSR) flagged out part of its fleet under pressure from foreign banks, who regarded this move as an added security for the finance being provided for the company's new building programme.

106/ See Review of Maritime Transport 1991 (United Nations publication, Sales No. E.92.II.D.9), p. 12.

107/ The text of the Convention is contained in A/CONF.162/7. The Conference also adopted a resolution on possible review of the 1952 International Convention for the Unification of Certain Rules relating to the Arrest of Sea-going Ships.

108/ These reports are contained, respectively, in documents LOS/PCN/BUR/R.20, LOS/PCN/BUR/R.22, LOS/PCN/BUR/R.24, LOS/PCN/BUR/R.23 and LOS/PCN/BUR/R.25.

109/ LOS/PCN/128.

110/ These reports are contained, respectively, in LOS/PCN/WP.52, LOS/PCN/SCN.1/1992/CRP.22, LOS/PCN/SCN.2/1992/CRP.6, LOS/PCN/SCN.3/1992/CRP.17 and LOS/PCN/SCN.4/WP.15.

111/ See LOS/PCN/L.113 and Corr.1, para. 25.

112/ Ibid., para. 20.

113/ Ibid., para. 21.

114/ United Nations publication, Sales No. E.93.V.10.

115/ United Nations publication, Sales No. E.91.V.10, vol. I.

116/ United Nations publication, Sales No. E.93.V.5.

117/ United Nations publication, Sales No. E.93.V.12.

118/ United Nations publication, Sales No. E.93.V.15.